THE

Justice of Peace

HIS CLARKS

CABINET.

OR,

A Book of Presidents, or Warrants, fitted and made ready to his hand for every case that may happen within the compass of his Masters Office;

FOR

The ease of the Justice of Peace, and more speedy dispatch of Justice.

By WILLIAM SHEPHARD *Esquire.*

LONDON,
Printed by *Tho. Maxey*, for *William Lee*, *Daniel Pakeman*, and *Gabriel Bedell*, and are to be sold at their Shops in Fleet-street. 1654.

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OCT 17 1938
10/17/38

The REASON Of the Printing of this BOOK.

WHen wee laid down and gave you the learning of the Office of the Justice of the Peace without warrants, we shewed you what they

might doe, but did not ſhew you how they might doe it. By the want whereof it hath been found in our own and other mens experience, that Juſtice hath been ſometimes hindred, for the Juſtice of the Peace, well knowing the danger of ſending abroad a warrant not warranted by the Law, both to himſelf and the inferior Officer that ſhall execute it, and not having

ving a ſafe warrant in readineſſe, he hath not (eſpecially in a caſe not common) thought it ſafe to truſt his Clark herein, and oft times by this means the offender hath eſcaped. We have been therefore much preſſed to make a ſupply herein, and did purpoſe to have done it in the next Edition of the Office of the Juſtice of Peace, which (if God will) may ere long with many additi-

ons and alterations be diſpatched, but that it would then have made the Booke too big. VVherefore we have thought it beſt to let the Reader have them aſunder, that they may be fit Pocket-books for the Maſter and his man as they pleaſe. VVe know that ſomething hath been done of this ſubject before by others. But by that time it hath been ſeen what we have done,

done, We are well aſſured it will be ſaid, that which we have done herein was not without need, and will be very pleaſing and profitable to the Juſtice of Peace his Clark, and his Maſter alſo, and will be well accepted of all men.

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CHAP.

Chap. I.

Of a Warrant and Order of the Juſtices of the Peace in generall.

A Warrant of the Juſtice of Peace in his Command to an inferiour Officer to doe ſomething belonging to his Office. And this in ſome ſpecial caſes may be good by word of mouth without writing. But of this we ſpeak not here. Or it may be and muſt be in moſt caſes in writing. And herein theſe Rules and Adviſes are to be obſerved and heeded. *What it is* *Rules concerning it.*

1. The Juſtice is to take care to pen his Warrant plaine and cleere, and not ambiguous and doubtful, ſo that the Officer muſt be forced to enquire what may bee his meaning by his words.

2. Let the Warrant be complete when the Juſtice of Peace doth put his hand to it, for it is

dangerous to let it go with blanks, and give other men leave to fill it up.

3. The ſtile of his Warrant, it may be in the name of the Lord Protector, thus, *Oliver Lord Protector*, &c. with the teſte under the name of the Juſtice that makes it (which is not uſual) or it may be ſtiled and made in the name of the Juſtice of Peace, thus. W S. Eſquire, one of the Juſtices, &c. and this is the uſual form. Or it may be made without any ſtile, only under the Teſte of the Juſtice of Peace, thus, Complaint being made to me, &c. Theſe are, &c. Witneſſe the ſaid W. S. &c. Or it may be without any Teſte of the Juſtice of Peace, being ſubſcribed by him and ſealed where ſealing is neceſſary.

4. We do not conceive it neceſſary to uſe theſe words in the Warrant, Theſe are (in the name of the Lord Protector) to require: but it is ſufficient to ſay, Theſe are to require you: howbeit the Warrant doth carry the more majeſty in it, when thoſe words are uſed in it.

5. The Title of direction may be either above the Warrant, thus, To the Conſtable of Dale: or in the bodie of the Warrant thus, W. S. Eſquire, &c. to the Conſtable of Dale. Whereas &c.

6. The Warrant may be directed to any Officer, as the Sheriff, his Bayliffes, Conſtables, Tithingmen, or to others that are no Officers, thus, To the Sheriff of the County of G. or to the Bayliffe Itinerant of the County of G. or to the Bayliffe of the hundred of R. or to the Conſtable of the hundred of R. in the County of G. or to the Conſtable of the Town or Village of Dale, or to the Tithingman of Dale. As the Officer there is called, if it can be known. Otherwiſe the beſt way is to direct it to

all

all the Conſtables and Tithing-men of Dale within the County of G. and every of them. Or it may be directed to all theſe Officers together, to the Sheriff, and to all Bayliffs, High-conſtables of Hundreds, and Conſtables and Tithing-men of Towns and Pariſhes within the County of G. and every of them jointly and ſeverally. Or it may be directed to theſe Officers and to others that are no Officers together. Or to them that are no Officers alone, thus. To I S. and W S. both of Dale in the county of Glouc. and to either of them. But this muſt be underſtood of Warrants of the Peace, good Behaviour, and ſuch like Warrants, wherein the Juſtice of the Peace is left at liberty to direct his Warrant to whom he will: For if the Law do direct him to whom he muſt ſend his Warrant, as divers Acts of Parliament do; ſome of them appointing him to direct his Warrant to the Conſtables, ſome to the Conſtables and Churchwardens, ſome to the Churchwardens, ſome to the Conſtables or Churchwardens, ſome to the Churchwardens and Overſeers of the Poor; He in theſe caſes that makes the Warrant muſt take great care that he do purſue the direction of the ſtatute punctually; for it is dangerous to vary from it ever ſo little: and therefore the Title ſet down in the Preſidents for the Warrants muſt be followed and not altered. And when the Title of direction is to more then one, there it is good to add theſe words, [And to every of them] and to ſay in the body of the Warrant, Theſe are to authorize and require you, and every of you. But the beſt way is to direct it to the common and known Officer, which is the high Conſtable of the hundred, or Conſtable of the Town, in all caſes where it is left to the Juſtice of Peace to direct it to whom he pleaſe.

The word (greeting) To I S. &c. Greeting, uſed in warrants, may be left out: ſo may theſe words of Addition, To the Juſtices of the Lord Protector aſſigned to keep the Peace, and to hear and determine felonies &c. and it is enough to ſay Juſtices of the Peace of (or within) the County of Glouceſter.

8. It is not amiſſe to ſay the place, wherein the Officer dwels to whom the warrant is directed, is within the County. To the Conſtable of Dale within the County of Glouceſter. And ſo of other places named within the warrant, to ſay they are within the ſame County.

9. It is not amiſſe, if the warrant recite a Conviction of an offence, to let it expreſſe where the offence was done, thus; I S being convict before me that he was drunk (at Dale in this County;) becauſe in many caſes the forfeiture is given to the poor of the place where the offence is done.

10. It is good alſo now to expreſſe the time when the offence was committed, thus; I S. being duly convict before me that he was drunke at Dale in this County (the firſt day of May laſt) or within three moneths laſt paſt, or ſince the firſt of May laſt paſt, that it may appeare the offence was done ſince the general Pardon: and in ſome caſes this is, if not neceſſary, yet very convenient, when the offence is by the Law to be puniſhed within a certaine time or not at all, there it is good to ſay that the offence was done within that time.

11. It is good alſo to expreſſe the place of the making of the warrant, and it muſt be ſome place within the County, thus: Dated at Dale, given under my hand and Seal at Dale in the ſame County. But if it

ſay

ſay it was dated at one place, and be dated at another place, yet the warrant is good, and it ſhall be taken to be dated where the warrant doth ſay it was dated.

12. The day and year alſo, being the time of the making of the ſame warrant, muſt be expreſſed in the warrant.

13. The warrant (being a warrant of arreſt) may be to require the Officer to bring the offender before the Juſtice that makes the warrant, or before him, or ſome other Juſtice of the County, and either of theſe formes is good: but the beſt forme is, to require the officer to bring him before the Juſtice of Peace himſelfe that made the Warrant.

14. In every warrant for the Peace, or good Behaviour, where ſureties are to be found or required, the warrant ought to containe the ſpecial cauſe or matter, to the intent that the party arreſted may be provided with ſureties. But if it be for ſome great crime the cauſe may be concealed.

15. In every warrant to command an Officer to carry a man to Gaole; it is not amiſſe to inſert a clauſe at the end of the warrant to command the Gaoler to receive him, to this purpoſe. That you him convey to the common Gaole of this County, and him deliver to the Gaoler or his Depury there, who are hereby required him to receive and detayne in their cuſtodie as a priſoner untill he ſhall be from thence delivered by a due courſe of Law.

16. There is a neceſſity in it that the Juſtice of Peace do ſubſcribe his name to his warrant. But that he ſhould put to his ſeale in every caſe,

is not needful; for in a Warrant of the Peace or good Behaviour it is not needful, nor where an Act of Parliament saith that the Justice by warrant (or by warrant under his hand) may doe such a thing. But if the Law say he may or shall do it by Warrant under his hand and seale, there the warrant must be under his hand and seale, or it is not good. And therefore heed must be given to our Presidents herein, where we say: Given under our hands and seales, and in those cases the Justice must put his hand and seal to the Warrant, or it is not well done. And for this cause we doe advise the Justice to put his seale to every Warrant.

17. There is little difference between a warrant of Commitment and a Mittimus, for both are to do one thing, and they differ a little only in the form. It will be easie therefore to make one of them by the other.

18. It is usual to grant Warrants against offenders upon penal Lawes to binde them over to Sessions before they be indicted of the offence, in cases where there is no special power or direction given by the Statute so to doe. But wee dare not advise men so to doe, being unsatisfied of the lawfulnesse thereof. But we agree it to be cleere and safe that after the offender is indicted of the offence, and the bill found, or after the offence found by Presentment of the grand Jury, to be bound over to the next Quarter sessions to answer it, and also to put in sureties for his good Behaviour in the meane time, if the offence for which he is indicted will warrant it. As if he be indicted for whordom, selling Ale, contrary to the Justices order,

der, or the like. So alſo in caſes where a Law doth give a ſpecial command and power to any Juſtice of Peace to bind over an offender to the ſeſſions, as the ſtatute of 5. Eliz. 4. touching Maſters and Apprentices; the Law of 23. Eliz. 10. touching Hawking in eared or codded corn, and the Act of 9 Febuary 1647. Touching the repaire of Churches, 1 Ed. 6. chap. 1. 23 Eliz. chap. 10. and ſome others do. In theſe caſes they may bind them over before Indictment. But then it is beſt firſt to ſend a warrant of Summons to call in the party offender before the Juſtice to anſwer the matter, and then if he appeare and he ſee no cauſe, to forbeare to bind him over to do it. And if he do not appeare, then he may ſend for him and bind him over, and bind him to the good Behaviour alſo for his contempt. For which there are Preſidents prepared amongſt the Preſidents ſet down in this book.

19. Where a Statute doth give power to a Juſtice of Peace to compel men to do any thing, in order hereunto he may ſend his warrant to require them to come before him, and in caſe of their refuſal, proceed in the laſt.

20. The Juſtices of the Peace may ſend their warrants for any thing that doth relate to a Special ſeſſions, either to compel appearance or attendance there, or execution of any thing there done under their own hands, if they pleaſe; or they may let it be done by the Clerk of the Peace, as the buſineſſe of the Quarter ſeſſions is done.

21. What may be done by the Warrant of one Juſtice of the Peace alone, may be known by the penning of the Preſident; for if it be penned to be made by one Juſtice (as W S. &c. Whereas it hath been proved before me, &c.) then you may be

ſure that one Juſtice of peace alone may doe the thing conteyned in the warrant. And where two are named, there in moſt of the caſes two are neceſſary.

22. The ſame Preſident that ſerves upon a conviction by witneſſe, will ſerve upon a conviction by view or hearing. For I S. being lawfully convicted before me, is applyable to either, and will ſerve to both.

23. It is a good cloſe of every warrant ſent to an Officer, to require him to give an account how he hath executed it, after this wiſe. And that you be then there with this precept to give us an account of your execution of it: or thus; And that you give me an account within fourteen dayes next following of your execution of my warrant.

24. Where a Statute is penned thus, That the Conſtables or Churchwardens by warrant from a Juſtice of Peace ſhall be enabled to do an act, in this caſe we conceive the Juſtice may juſtifie the making of that warrant.

Chap. II.

About the Peace.

Glouc. ſſ. WS. and A B. Eſquires, two of the Juſtices of the Peace within the County of Glouceſt. or thus, largely, W S. and A B. Eſquires, two of the Juſtices of the Peace of his higneſſe the Lord Protector, aſſigned for the keeping of the peace, and hearing and determining of divers felonies within the County of

To raiſe the Power of the County.

of Glouceſt. to the High Sheriffe of the ſame County, and to all high Conſtables, petit Conſtables and other Miniſters and officers appointed to keep the peace of the ſame County, greeting. It being given us to underſtand that divers evil doers and diſturbers of the publick peace of this commonwealth are aſſembled together in conventicles, and being armed, and in a warlike poſture, are together in and about W. in this County, where they do riotouſly and forcibly enter into the houſes, and take away the goods and cattel of divers of the peaceable people of the Country, and where they have made a manifeſt commotion, and committed divers other felonies and other outrages, to the terrour of the good people thereabouts, the hazard of the whole Commonwealth, in contempt of the Lord Protector, and againſt the forme of the laws in that caſe provided. Therefore you and every of you the ſaid Sheriffe, High-conſtables, and petit conſtables, are hereby ſtraitly charged ſo long as the ſame commotion and danger ſhall continue, to take eſpecial care of the peace of the County within your ſeveral precincts, and in order thereunto, to keep a ſtrong watch by night, and a good ward by day, and to apprehend all the breakers thereof. And you the ſaid Sheriffe are hereby by us commanded and authorized to come your ſelf unto us armed, and to bring with you an hundred able men, and armed men, to Dale in this County on the firſt day of Febuary next, to aſſiſt us in the ſuppreſſing of the ſame commotion, and in the keeping of the peace. And all other perſons are hereby commanded to be obedient to you the ſaid Sheriffe, and the ſaid Conſtables therein at their peril. And hereof

you

you are not any of you to fayl at your peril. Given under our hands and ſeals at S. within the ſame County, the firſt day of January. 1653.

Obſervations upon this firſt Warrant.

1. The ſtile and Teſte of all the Warrants that doe follow, may be after the ſame manner as this is.

2. A warrant may be ſent to the High-conſtables to cauſe ſo many armed men to come armed to ſuch a place from every hundred, and ſo an army may be had, and theſe the Juſtices may lead or ſend any where in the county to make or keep the peace. And by this warrant you may know how to make ſuch a warrant.

Glouc. ſſ. To command the keeping of the peace.

W S. and F B. Eſquires, &c. To the Sheriffe of the ſame County, and to all high-conſtables, and petit conſtables, and other miniſters and officers appointed to keep the peace within the ſame County, greeting; Whereas we are informed that there is a great meeting appointed to be had at D. within this County, upon the firſt day of May next, under pretence of a faire then and there to be kept, (or under pretence of a cock-fighting to be there had) (or under pretence of a race to be there run) when and where by occaſion or under colour thereof, it is ſuſpected there may be ſome notorious breach of the peace, by a fray, ryot, inſurrection, or otherwiſe. For the preventing whereof, and the keeping of the peace; Theſe are to authorize and require you and every of you, that you calling to your aſſiſtance and ayde ſuch a number of perſons as you ſhall think fit, all which perſons are by us required to aſſiſt you, and that

that you be then there provided during the ſame meeting, and by all the lawful wayes and meanes you can, ſee that the publick peace be kept and preſerved, and the breakres and diſturbers thereof puniſhed. And hereof, and to give us an account of your doings herein, within fourteen dayes after the ſame day be paſt, you are not to faile at your peril. Given, &c.

Obſervation upon this Warrant.

What ever the Juſtices of the Peace may doe, or the Sheriffe or Conſtables ought to do in order to the keeping of the peace, the Juſtices may by ſuch a Warrant as this is command them to doe.

CHAP. III.

About Blaſphemie and Hereſie.

WE. S. and L. S. Eſquires, two of the Juſtices, &c. To the conſtables of D. in the County of G. It being lawfully proved before us againſt I S. of D. aforeſaid, that he did the firſt of May laſt paſt, at D. aforeſaid, maintaine and publiſh by preaching, (or by printing, or writing, or by teaching) horrible blaſphemy and hereſie, to wit, That there is no God, (or that God is not preſent in all places.) And ſo as the caſe is, if it fall out to be any one of the firſt ſort of offences named in the ordinance, contrary to the Act of Parliament in that caſe

Glouc. ſ.

For the firſt degree of theſe offences. This is grounded upon the order of 2. May. 1648.

caſe provided, for which he is committed to priſon without bayle till the next Gaole delivery. Theſe are therefore to authorize and require you forthwith, him the ſaid B. to apprehend, and carry to the common Gaole of the County of Glouceſt. and deliver to the Gaoler or his deputy there, who are hereby required him to receive and detaine without bail taking, until the next Gaole delivery to be held for the County of Glouceſt. And hereof, &c. Given, &c.

Glouc. ſſ. W S. and L S. &c. to I S. of *D.* in the County of G. Complaint being made to us by ſome of the inhabitants of Dale againſt the ſaid I S. that he the firſt of May laſt paſt at Dale aforeſaid did maintaine aud publiſh by preaching, (or by printing, or writing, or by teaching) certaine errors in opinion *viz.* That all men ſhall be ſaved, and that the ſouls of men after their death do goe to purgatory. (And ſo as the caſe is, if it fall out to be any one of the ſecond ſort of opinions named in the ordinance,) contrary to the Act of Parliament in that caſe provided; The which complaint we having examined, find to be true. And thereupon therefore in purſuance of the power given to us by the ſaid ordinance, do hereby order and command the ſaid I S. to renounce his ſaid error in the publick congregation of the Pariſh Church of D. aforeſaid, letting him to know that if he do not ſo within a convenient time, that he is to be ſent to Gaole till he give bond with ſureties never to offend ſo againe. Given under our hands and ſeals, &c.

Another for a leſſer ſort of offences.

This is grounded on the ſame law.

Obſervati-

Obſervations upon theſe Warrants.

1. One of the Juſtices that do theſe warrants muſt be of the Quorum.

2. But how the Juſtices may go further in this out of the Seſſions, we can not adviſe.

3. This warrant, and ſuch like, will ſerve as well where the conviction is by ſight of hearing of the Juſtice himſelf, as by proof of witneſſes.

W S. Eſquire, &c. To the Conſtable of D. in the County of G. It being duely proved before me againſt *I S.* of your Town, that he (ſuch a day) at D. aforeſaid, being in his good health and ſenſes, did avowedly maintaine in words, (or did affirm and maintain in writing) certain execrable opinions and blaſphemies, to wit, that he the ſaid *I S.* was very God, and that drunkenneſſe is no ſin; and ſo for any of the reſt named in the Act, contrary to the Act of Parliament in that caſe provided, for which he is to be committed to the priſon or houſe of correction for ſix moneths. Theſe are therefore to authorize and require you him the ſaid *I S.* forthwith to apprehend and carry to the common Gaole of the county of G. (or to the Bridewel at D. within the ſaid County,) and deliver him to the Gaoler or his deputy there, (or to the Governour of the Bridewel there,) who are hereby required him to receive, and ſafely to detaine for ſix moneths without bayle or mainprize, and this ſhall be your warrant. Given at D. aforeſaid, &c. *Glouc. ſſ.*

This is grounded upon the Act of 9th Auguſt. 165c.

CHAP.

Chap. IV.

About the Lords day.

Glouc. ſſ.

Againſt merry meetings.

Either of theſe are ſufficient.

This warrant is grounded upon the ſt at. of 1 Car. 1.

WS. Eſquire &c. To the conſtables and tythingmen of Dale within this County, and every of them, (or it may be directed to the Churchwardens of Dale,) Whereas the perſons undernamed, all of your pariſh of Dale, within this County, have been lawfully convict before me, that they the firſt day of May laſt paſt being the Lords day, (ſo that they upon a Lords day within a moneth paſt) did cauſe, or maintain, or keep an aſſembly, meeting, or concourſe at Sale in this County, being out of their owne pariſh, for ſports and paſtimes, *viz.* for foot-ball, and for wreſtling, (or cauſed an aſſembly, meeting, and concourſe of people, and were preſent at it, or cauſed an aſſembly, meeting, and concourſe of people, without the other words,) for a Bear-baiting, or for a Bull-baiting, or for a common-play, or for cards and dice, or for dicing, as the caſe is, contrary to the Act of Parliament in that caſe provided. By which either of them hath forfeited three ſhillings and four pence apiece for the uſe of the poor of your pariſh to be levied by the Conſtables or Churchwardens by diſtreſſe and ſale of the goods of the offender, and in default of diſtreſſe to be put in the ſtocks three houres. Theſe are therefore to authorize and require you forthwith to levy the ſame ſum of three ſhillings foure pence of every of the ſaid named perſons, and of their goods reſpectively by diſtreſſe and ſale there-

thereof, rendring to them the overplus. And in caſe of lack of diſtreſs that then you ſee that the ſame perſon or perſons lacking diſtreſſe, be ſet publickly in the ſtocks by the ſpace of three hours. And the ſame money forfeit being by you received, that you take care the ſame be by you imployed to the uſe of the poore of your Pariſh, according to the ſaid Act. And hereof fayl you not, &c. Given under my hand and ſeale, &c.

W S. of Dale husbandman.
I S. of the ſame yeoman.
K L. of the ſame labourer,
N M. of Sale husbandman.

W S. &c. To Conſtables, &c. (as in the laſt) Whereas the laſt perſons undernamed of your Pariſh of Dale have been lawfully convict before me, that they the firſt day of May laſt paſt, being the Lords day (or upon any Lords day within a moneth now laſt paſt) at Dale aforeſaid, did uſe and exerciſe gaming and ſporting, (*viz.*) wreſtlings (or Shooting, or Bowling, or ringing of Bells for pleaſure, or Dancing, or Dicing, or Carding) or did keep and maintaine wreſtlings or Shooting, or Bowling, or ringing of Bells for pleaſure, or a Maſque, or a Wake, or a Church-ale, or a Daneing; or were preſent at a Wreſtling, or at a ſhooting, or at a Bowling, or at Ringing of Bells for pleaſure, or at a Dancing, or at a Dicing, or at a Carding, or at a Maſque, or at a Wake, or at a Church-ale, contrary to the Statute in that caſe provided; and that it hath been proved to me that they were all of them at the time of the ſame offence committed, above 14 years old: By which either of them hath forfeit 5 ſhillings to the poor of your Pariſh, to be levied by diſtreſſe and ſale

Glouc. ff.
Another.
Eirher of theſe is enough.
This is grounded upon 1 Ca. 1 and upon the Ord. of 6 April. 1644.

ſale of goods, and for lack of diſtreſſe to be put in the ſtocks three hours. Theſe are therefore to authorize and require you forthwith to leavie by diſtreſſe and ſale of goods of every of the ſaid undernamed perſons, the ſum of five ſhillings, reſpectively rendring to them the over-plus. And in caſe of lack of diſtreſſe, &c. (as it is in the laſt to the end.) Given under my hand and ſeal. &c.

3 *Glouc. ſſ.* *W S.* &c. To the Conſtables &c. as in the laſt. It being duly proved before me that *I S* of your Pariſh of D. the firſt day, &c. (as in the laſt) in your Pariſh of D. aforeſaid, was preſent at a dancing meeting, or a Churchale, or a carding match, (or as the caſe is in any of the laſt warrants) contrary to the Act of Parliament in that caſe provided, and that the ſaid *I S.* was at the time of the ſaid offence committed, under the age of fourteen years and under the government and education of *G S.* his father, living in Dale aforeſaid, whereby the ſaid *G S.* hath forfeit twelve pence to the uſe of the poor of your pariſh, to be levyed, &c. Theſe are &c. (as it is in the laſt to the end.) Given under my hand and ſeal, &c.

Any one of them is ſufficient.

This is upon the Ordinance of the 8 April, 1644.

4 *Glouc. ſſ.* *W S.* &c. To the Conſtables &c. as in the laſt. It being duly proved before me that *I S.* of your Pariſh of Dale a Carrier, or Waggoner, the firſt day of, &c. being the Lords day, in your Pariſh of Dale aforeſaid, did (being then a Carrier) with his horſe or horſes; (or being then a Waggonman) with his Waggon; (or being then a Carter) did with his Cart; (or being a Wayne-man) with his wayne, or a Drover with his cattel, as the caſe is, travel into, and through your ſaid Pariſh of Dale, contrary to the ſtatute in that caſe provided, by which he hath forfeited twenty ſhillings to the uſe of

Either of theſe is ſufficient.

of the poor of your parish of Dale. These are therefore to authorize and require you forthwith to levie the same twenty shillings of the goods of the said I S. by distresse and sale thereof, rendring to him the overplus. And the same so by you received, that you see it to be imployed to the use of the poor of your parish according to the intent of the same statute. And hereof, &c. Given under my hand and seale, &c. Chap. 4. This is grounded upon 3. Car. 1.

W S. &c. To the Constables and Tithingmen of D. and every of them (or it may be to the Churchwardens of Dale.) It being duly proved before me, that I S. of your town Butcher, did in Dale aforesaid, the first day of May last past, being the Lords day, kill, or caused to be killed victuals (to wit) one Calf, or did sell victuals contrary to the Act of Parliament in that case provided, whereby he hath forfeit 6 s. 8 d. to the use of &c. as in the last. And the same so by you received that you see it be imployed to the use of the poor of your parish. And hereof, &c. Given under my hand, &c. 5 *Glouc. ſſ.* Either of them is sufficent. This is upon 3 Car. 1.

To the Constables, &c. as in the last.

W S. &c. It being duly proved before me, that I S. of your parish of Dale did the first day of May last past (being the Lords day) in Dale aforesaid, publickly cry fruit, or herbs, or shew forth and expose to sale wares and merchandises and goods, by which he hath forfeited the same. These are to require you to appeare before me (such a day and time) to answer the premises. Given under my hand and seal, &c. 6 *Glouc. ſſ.* Either of them is sufficient. Ord. 6 April, 1644.

Chap. 4.

To the Conſtables, &c. as in the laſt.

7 *Glouc. ſſ.* *WS.* &c. It being proved, &c. (recite the former warrant) and the ſaid *I S.* appearing before me, confeſſed the ſame goods to be twenty pound of Tobacco, or as the caſe is. Theſe are to require you to ſeize the ſame Tobacco, and the ſame to ſecure to be diſpoſed according to the Law in that caſe provided. Given under my hand and ſeale, &c.

To the Conſtables, &c. as in the laſt.

8 *Glouc. ſſ.* *WS.* &c. It being duly proved before me, that *I S.* of your pariſh did the firſt day of May laſt (being the Lords day) at Dale aforeſaid travail without reaſonable cauſe, *viz.* travail from his houſe there, to the houſe of D. being two miles diſtant, contrary to the Act of Parliament in that caſe provided. By the which he hath forfeit 10 s. to the uſe of the poor of your pariſh to be levyed by diſtreſs and ſale of his goods, and for lack of diſtreſs, to be ſet in the ſtocks 3 hours. Theſe are therefore to authorize and command you, as in the firſt before. Given under my hand and ſeale, &c.

This is grounded on 6 April. 1654.

To the Conſtables, as in the Laſt.

9 *Glouc. ſſ.* *WS.* &c. It being duly proved before me that *I S.* of your pariſh did the firſt day of May laſt (being the Lords day) at Dale aforeſaid, without reaſonable cauſe, carry burthens, *viz.* a buſhel of wheat to a mill there, or do worldly labour and work, *viz.* drive his cattel from one ground to another

One of theſe is enough.

other, half a mile distant, contrary to the Act of Parliament in that case provided. By which he hath forfeited five shillings to the use of, &c. as it is in the last, word by word. Given under my hand and seale, &c. Chap. 4

We give you no Presidents here to leavy the forfeitures upon them that serve processe, use Coaches or Boats, that come in late Saturdy night, or go out early on a Monday morning, nor against them that are singing, dauncing, or tipling in an Ale-house, or millar grinding on this day, nor against the Officers that neglect to punish them, because we conceive none can be granted against them till they be convicted, which cannot be, but by Indictment.

W S. and I S. two, &c. To all the Constables, Churchwardens, and Overseers of the poor of the parish of Newent in the County of Glouc. Information and Complaint being given in and made unto us, That the Profanation of the Lords day is very much and frequently practised within your parish by the disorderly meetings of young people, by gaming, sports and pastimes, drinking, tipling, and by other means, contrary to the Laws in that case provided, and that you are negligent in the duties laid upon you by the same Laws. These are therefore straitly to charge you henceforth to look to it, that no such disorders be hereafter among you, but that you forbid the same, and that you do from time to time according to the duty of your places, make diligent search for the finding out, apprehending and punishing of all them that shall be found offenders herein. And that you do inform us hereof as occasion shall be, and that you or some one of you appear before the 10 *Glouc.* ſ.

Chap. 5 Justices of the peace at the house of &c. upon to bring in the names in writing of those persons, who shall in the meane time offend in the premises. Letting you to know that if you fail hereof we shall not fail to inflict the punishment appointed by the same Laws upon you for your neglect therein. Given under our hands at the castle of Glouceſt. this 21 day of June 1654.

Chap. V.

About Felony.

To all Constables and Tithing-men within the County of Glouceſt.

1 *Glouc. ſſ.* To search for a felon. WS. &c. Whereas information hath been given to me that there hath been ten sheep lately taken away from I S. of D. in this County, the which he doth suspect to be stollen, and the Felon is suspected to lye hid in some one of the places, or parishes adjacent. These are therefore to require you, and every of you forthwith to make diligent search in all suspected places within your parishes for the said Felon. And in case you shall find the Felon, or any of the same sheep, or shall find any other just cause to suspect any person whatsoever of the same Felonie, that you cause the same sheep to be secured, and the said Felon to be apprehended and brought before me, or some other Justice of the Peace of the said County, to be examined concerning the premises. And that

that you warn the ſaid I S. to be, and that you your ſelf be alſo before the ſame Juſtice, at the time of his examination. Given under my hand, this, &c. Chap. 5.

To the Conſtable of Dale within this County.

Whereas complaint hath been made to me by N O. that of late he hath had felonioufly taken from him certain goods, or 6 Oxen, or a gray-mare, &c. as the caſe is, and that he hath in ſuſpition divers and evil diſpoſed perſons within your pariſh of Dale. Theſe are to require you that immediately upon ſight hereof, you make diligent ſearch in all and every ſuch ſuſpected houſes and places within your pariſh, as you and the ſaid N O. ſhall think convenient. And if upon your ſearch, you find any of the ſaid goods in the hand of any perſon, or ſhall have any other juſt cauſe of ſuſpition of any perſon, that then you bring ſuch ſuſpected perſon before me, or ſome other, &c. to anſwer the premiſes. And hereof, &c. 2 *Glouc. ff.* Another of the ſame.

Obſervations on theſe warrants.

Some have diſliked theſe warrants, and upon ſome good reaſons alſo: for it is a Rule, that no man can arreſt for felony upon the ſuſpition of another, but upon his own ſuſpition. And ſome unhappy uſe is oft times made of theſe warrants, and honeſt men abuſed by them. But we conceive that common uſage hath made theſe warrants juſtifiable at this day, and that the ſame Iuſtice of Peace, upon information, may take up the ſuſpition, and proceed upon his own ſuſpition.

Chap. 5.

To the Conſtable of Dale within this County.

3 *Glouc. ff.* Information being given to me upon the oath of *I S.* that he hath of late two ſheep feloniouſly taken from him, and that he hath in ſuſpition one T K. of your Town Tailor. Theſe are to require you preſently upon receipt hereof, to apprehend the ſaid T K. and thereupon to bring him before me to anſwer to the premiſes. And hereof &c.

To apprehend a felon.

Obſervations upon this Warrant.

This warrant hath been alſo excepted againſt, but we conceive at this day there is no cauſe to doubt of him. And that warrants may be granted by a Juſtice to attach perſons ſuſpected of felony before they be indicted for it. But upon an indictment of felony, without queſtion any Juſtice of peace may arreſt the party indicted by ſuch a warrant as this which followeth.

To all Conſtables, as in the firſt.

4 *Glouc. ff.* *W S.* &c. Theſe are to will and require you preſently upon receipt hereof to attach the body of A B who ſtands indicted for a felony, by an iudictment taken at the laſt general quarter Seſſions of the peace for the County of Glouc. And him to bring before me, or ſome other Juſtice of the peace of this County, to be dealt with according to the law. Or thus, and him to carrry to the common gaole within the caſtle of Glouc. there to be kept until he be delivered by due courſe of law. It may be made both theſe wayes. And hereof, &c.

W S.

WS. &c. To the Conſtables of &c. Theſe are to require you upon ſight hereof to warn to be before me or ſome other Juſtice of peace of this County, within three dayes next following, the perſons undernamed, to the end that they may be bound before him to make their perſonal appearance at the next general gaole-delivery, or quarter Seſſions to be holden for this County, then and there to teſtifie their knowledg concerning a felony ſuppoſed to be done by A B. now a priſoner in the caſtle of G. And that you do then goe with them to the ſame Juſtice with this warrant. And hereof &c. Or thus; *WS.* &c. You are hereby required forthwith to warn the perſons undernamed of your pariſh, to be before me at my dwelling houſe in D. upon Monday next, by nine a clock in the morning, to teſtifie their knowledg concerning certain felonious acts ſuppoſed to be done by A B. and C D. of &c. And that your ſelf be then there with this warrant to ſhew how you have executed it. And hereof &c.

Chap. 5. 5 *Glouc.* ſſ. To bind men to give in evidence againſt a felon.

Obſervations here.

We have ſeen a preſident in this form for this purpoſe, That you cauſe to come before me the perſons undernamed to teſtifie &c. which we cannot but diſallow for its ambiguity: for how ſhall he cauſe him to come? Beſides, the word ſeems to import, that he ſhall bring him in the nature of a priſoner, which is not lawful to do in this caſe.

Chap. 5.

To all Constables, and other his Highnes's Officers, as well within the County of Glouceſt. as elſe where in the Commonwealth of England.

6 Glouc. ſſ. To comand huy and cry

W S. &c. Whereas complaint hath been made unto me by L M. of, &c. husbandman, that upon Tueſday at night laſt (being the tenth day of this inſtant November) he was robbed of certain linnen taken out of his houſe, with ſome other things, and that he hath manifeſt cauſe of ſuſpition of one N K. a lewd rogue, (here diſcribe his perſonage and apparel.) Theſe are therefore to require you and every of you, to make ſearch within your ſeveral precincts for the ſaid N K. And alſo to make Huy and cry after him from Town to Town, and from County to County, and that as well by horſmen as footmen. And if you ſhall find him the ſaid N K. that then you carry him before ſome one of the Juſtices of the peace within the County where he ſhall be taken, by him to be dealt withall according to Law, &c. And hereof, &c.

To all Conſtables and Tything-men of the pariſhes and Tythings within the County of Glouceſt. and every of them, &c.

7 Glouc ſſ.

VV S. &c. Foraſmuch as I am credibly informed that I B of your Town Blackſmith, hath now lately dangerouſly hurt one T G. of your ſaid Towne husbandman, by a blow which hee hath given the ſaid T G. on the face, and another on the back, ſo as the ſaid T G. is in danger

ger of death thereby. Theſe are therefore ſtraitly to charge and command you, that immediately upon the ſight hereof, you or one of you do bring the ſaid I B. before me, or ſome other of his Highneſſes Juſtices of the peace of this County, to find ſufficient ſureties, as well for his appearance before the Juſtices at the next gaole-delivery to be holden for this County, then and there to anſwer unto the premiſes, and to do and receive therefore that which by the Court ſhall be enjoyned him; as alſo that he the ſaid I B. ſhall in the mean time keep the peace towards his Highneſſe the Lord Protector, and all his liege people, but eſpecially towards the ſaid T G. And hereof fail you not at your peril. Dated, &c. Chap. 6.

To apprehend one that hath dangerouſly hurt another.

CHAP. VI.

About a Ryot and forcible Entry.

The Record of a force found by the Juſtices owne view.

MEmorand' That the firſt day of March, 1653. I S. complained to me W *S.* one of the Juſtices of peace of his Highneſſe the Lord Protector of the Commonwealth of *England*, *Scotland* and *Ireland*, and the Dominions thereof, for the County of Glouceſt. that I *D.* of *S.* in the ſaid County yeoman, and divers others unknown perſons, troublers of the peace of the ſaid Commonwealth, the firſt day of May 1654. into the dwelling houſe of the ſaid I S in Dele, in the 1 *Glouc. ſſ.*

ſaid

Chap. 6. ſaid County, with ſtrong hand did enter, and him the ſaid I S. thereof diſſeiſed. And the ſame houſe with ſtrong hand, and armed power doth yet detaine and hold, and therefore deſired of me reliefe on this behalfe to be yeilded; whereupon I the ſaid W S. immediately in perſon came to the ſaid dwelling houſe to view the ſame. And in the ſame houſe I then found the ſaid I D. E F. of &c. and G H. &c. the ſame houſe with force and arms, a ſtrong hand, and armed power, to wit, with bows and arrows, ſwords and daggers, guns, and other armes defenſive and offenſive, holding againſt the form of the Statutes in that caſe provided. And therefore I the aforeſaid W S. the ſaid I D. E F. G H. did then there arreſt; and cauſe to be ſent to the next gaole of the ſaid *Lord Protector* for the ſaid County within the caſtle of Glouceſt. as convict of the ſaid forcible detaining by mine own view and record, there to abide till he ſhall make fine to the ſaid Protector for his offences aforeſaid. Dated at Dale aforeſaid under my ſeale, the day and year aforeſaid.

The Record of a Riot upon the view of the Juſtices.

Memo: That the 1 day of March 1653. we W S. and K L. Eſquires, two of the Juſtices of the Lord Protector now aſſigned to keep the peace in the County of Glouceſt. at the complaint of I S. of W in the County aforeſaid yeoman, in our proper perſons came to the dwelling houſe of the ſaid I S. at W. aforeſaid, and there we found certaine perſons, A B. &c. and other evil doers and diſturbers

bers of the peacee of the Lord Protector, to the number of eighty persons in a warlike manner arrayed to wit, with swords, staves, bowes and arrows, riotously and unlawfully gathered together, and the same house so keeping, to the great disturbance of the peace of the said Lord Protector, and the terrour of his people, and against the form of the Statutes in that place provided. And therefore we the said Justices of the peace, the bodies of the said A B. &c. did then arrest, and to the next gaol of the Lord Protector did then cause them to be carryed by our Record of the trespasse aforesaid, convict in our presence, there to abide till they shall make their fine to the said Lord Protector for their trespasse aforesaid. In testimony whereof, we have put our seals to this our Record. Dated at W. aforesaid, the day and year aforesaid. Chap. 6.

The form of the Mittimus to the Gaole.

W S. one of the Justices of the peace of the Lord Protectors Highnesse, within his said County of Glouc. To the keepers of his Highnesse gaole within the castle of Glouc, within the same County, and to his deputy there. Complaint being made to me this present first day of May of a forcible and riotous detainer of a house made by K. L. &c. and M N. of &c. the which having viewed, I find to be true against the peace of the said Lord Protecter, and the Statutes in that case provided. Therefore I send you, by the bringers hereof, the bodies of the said K L. and M N. convicted of the said forcible holding, (or Riot) by mine own view, testimony and record, commanding you in his Highnesse name, them to receive, and safely *Glouc. ss.*

keep

Chap. 6. keep in your ſaid gaol, until ſuch time as they ſhall make their fines to the ſaid Lord Protector for the ſaid treſpaſſes, and ſhall be thence delivered by order of the law of the land, at your peril. Given at W. aforeſaid, under my ſeal, the day and year aforeſaid.

The precept to the Sheriff to return a Jury.

4 *Glouc. ff.* W S. &c. To the Sheriffe of the ſaid County of Glouc. I command you that you make to come before me at &c. (time, and place) twentie four honeſt, ſufficient, and lawful men of the neighbourhood of W. within this County, whereof every one ſhall have forty ſhillings of lands, tenements and rents by the year at leaſt, above repriſes, (or to enquire if A B. &c. and other malefactors, and diſturbers of the peace of the Lord Protector, in one Meſſuage, and twenty acres of land of C D. of &c. with a ſtrong hand, upon the poſſeſſion of the ſaid C *D.* did enter, or the ſame with force do yet hold and occupy) to require upon their oaths for the ſaid Lord Protector, of a certaine entry (or detainer) made with ſtrong hand in the Meſſuage or dwelling houſe of A B. at *W.* aforeſaid, againſt the form of the Statutes in that caſe provided. And you are to ſee that you return upon every one of the Jurors, by you to be impannelled twenty ſhillings of iſſues at the ſame day of return. And hereof you are not to fail under pain of twenty pounds, which you know you are to bear if you be negligent in the premiſes. Witneſſe me the ſaid VV S. the firſt day of, &c. 1653.

The

The Verdict of the Jurors.

An inquiſition for the Lord Protector taken at Dale in the County of Glouceſt. the firſt day of May 1653. by the oaths of A B. C D. good and lawful men of the County, before W S. one of the Juſtices of the ſaid Lord Protector, to keep the peace in the ſaid County, aſſigned, and to hear and determine divers felonies, treſpaſſes, and other evil deeds committed in the ſame County, who ſay upon their oaths that C L. of, &c. yeoman, was lawfully and peaceably ſeiſed in his demeſne, as of Fee, of and in one Meſſuage &c. with the appurtenances in Dale aforeſaid, and his poſſeſſion and ſeiſin aforeſaid ſo continued until A B. &c. and other unknown perſons the firſt day of May 1654. by force and arms, to wit, with ſwords, and ſtaves, bows and arrows, into the ſaid Meſſuage entred, and the ſaid C D. thereof deſeiſed, and with a ſtrong hand him expelled. And him the ſaid C D. ſo diſeiſed and expulſed from the ſaid Meſſuage, &c. from the aforeſaid firſt day of May, until the day of the taking of this inquiſition, with the ſame ſtrength and armed power have hitherto kept out, and yet doth keep out, to the great diſturbance of the peace of the ſaid Lord Protector, and againſt the form of the Statutes in that caſe made and provided; whereas none of them, nor any other, whoſe ſtate they or any of them had or have, or any thing in any parcel thereof had or have, within three years laſt before his ſaid entry, nor at any time before, to the knowledg of the ſaid Jurors.

Warrant

Warrant for Reſtitution.

6 Glouc. ſſ. W S. &c. To the Sheriffe of the ſaid County greeting Whereas by a certaine inquiſition of the Country taken before me at Dale in the County aforeſaid, the day of &c. upon the oath of A B. C D. &c. and according to the form of the Statute in that caſe of forcible entry provided, It was found that A B. &c. and others &c. as it is in the inquiſition (under thoſe words in that caſe provided) as by the ſaid inquiſition doth more fully appeare of record. Therefore on the part of the ſaid Lord Protector, I command and require you that you altogether (with the power of the County) if need require, go to the ſaid Meſſuage and other the premiſes, and the ſame with the appurtenances do cauſe to be reſeiſed, and the ſaid C D. to and in his full poſſeſſion thereof, as he was in before the ſame entry, you cauſe to be reſtored, according to the form of the aforeſaid Statute. And hereof you are not to faile at your peril &c. Given under my ſeal, &c.

Chap. VII.

About the Poor.

1 Glouc. ſſ. To make overſeers of the poor.

WE the Juſtices of the Peace and Quorum of the County of G. next adjoyning to the pariſh of D. within the ſame County, whoſe hands and ſeals are hereunto annexed, do nominate and appoint I S. and W S. of the ſame pariſh of D. together with

with the Churchwardens of the ſame pariſh, to be overſeers of the poor of the ſame pariſh for this preſent year 1654, according to the Act of Parliament in that caſe provided, Dated, &c. Chap. 7. These warrants are grounded upon 43. Eliz. 2.

There is another form to command overſeers of the poor to undertake the office, but this ſeems to me needleſſe, and that the former order is ſufficient, for being duly choſen according to the Statute, they muſt undertake it.

W S. and L S. Eſquires, two of the Juſtices of the peace of the County of Glouceſt. To the Churchwardens and Overſeers of the poor of the pariſh of D. in the county of G. Whereas the perſons here undernamed, all of your pariſh of D. have been duly aſſeſſed the ſummes of money here under at their names appearing, and ſet down, and rated upon them towards the maintenance and relief of the poor of your pariſh, the which rate hath been duly confirmed by two of the Juſtices of the peace of the ſaid County according to the form of the Statute in that caſe provided. The which ſummes they are in arreare, and refuſe to pay although the ſame have been demanded of them. Theſe are therefore to authorize and require you once more to demand the ſaid ſeveral ſummes of the ſaid ſeveral perſons reſpectively. And in caſe they refuſe to pay the ſame, that then you levie it by way of diſtreſs and ſale of the goods and chattels of the perſons refuſing to pay the ſame reſpectively, rendring to them the overplus according to the ſaid ſtatute. And that you the ſame money pay and diſtribute to the uſe of the poor of your pariſh according to your office. And hereof, &c. 2 *Glouc. ſſ.* To diſtrain for money for the poor

W S. and L S. Eſquires, &c. two of the &c. (as in 3 *Glouc. ſſ.*

Chap. 7. in the laſt) To the, &c. *(as in the laſt.)* Theſe are to authorize and command you preſently to demand of I S. of your pariſh of Dale the ſumme of five ſhillings, being duly aſſeſſed and rated upon him, for and towards the relief of the poor of your ſaid Town, according to the form of the ſtatute in that caſe provided. And if he refuſe to pay the ſame, that then you preſently levie the ſame by diſtreſſe and ſale of the offenders goods, rendring to him the overplus of the money made by ſale thereof. And this ſhall be your warrant herein. Dated, &c.

Another for the ſame.

4 *Glouc. ff.* W S. and I S. two of the Juſtices, &c. neer to the pariſh of Dale in the County of G. To the Conſtables, Churchwardens, and Overſeers of the poor of the ſame pariſh, and to I K. of, &c. and M S. of the ſame pariſh of D, and every of them. It being proved before us, that the ſaid M S. is delivered of a baſtard child, likely to be chargeable to your Pariſh, which ſhe doth father upon the ſaid I K. who is therefore at the requeſt of the ſaid Officers, and on the behalf of the ſaid pariſh, bound to the good Behaviour, and to appeare at the next ſeſſions. Theſe are therefore to give you notice, that we have appointed on Monday the firſt day of May next, at the houſe of K L. in T. to meet to examin the ſaid matter, and to take order for the puniſhment of the ſaid parties, and relief of the ſaid pariſh, in caſe the ſame child ſhal become chargeable to it, and the keeping of the ſame child. You are therefore all of you hereby required to attend us, with ſuch witneſſes as you pleaſe to produce, in the place, and at the time aforeſaid. And you the ſaid Conſtables are in due time to give notice hereof to all the reſt of the parties, Churchwardens, Overſeers

To warn all perſons to appeare to examine the matter of a baſtard child

ſeers of the poor, to the ſaid I K. and M S. And that you your ſelf be preſent at the time and place aforeſaid to give an account how you have executed this our warrant. And hereof not to fail, &c. Dated, &c. Chap. 7.

W S. and T W. Eſquires, &c. two of the Juſtices of the peace of the ſaid County. Imprimis, upon the examination of the ſaid M S. duely by us taken, we do find that the ſaid I K. is charged to have had divers times bodily and carnal knowledg of her (between ſuch times) and to be the only father of the ſaid Baſtard child, &c. And having ſome other proofs to induce us to believe the truth hereof, therefore we do adjudg him to be the reputed father of the ſaid child. 5 *Glouc. ſſ.* An order for a baſtard child.

We do further order as followeth: firſt, that the ſaid M S. ſhall keep her ſaid child till it come to eight years of age.

Secondly, That the ſaid I K. upon notice of this our order, ſhall after ſuch notice, pay into the hands of one of the overſeers of the poor of D for the time being, after the rate of 12 pence every week, to be payd monethly, every year towards the relief of the ſaid child, until it comes to 8 years of age.

Thirdly, and after the ſaid child ſhall come to 8, &c. that the ſaid I K. pay to the Overſeers, &c. 5 *l* towards the putting out of the ſame child to be an Apprentice.

Fourthly, that the ſaid I K. preſently give good ſecurity to one of the Overſeers, &c. to perform this our order.

Chap. 7. *To the Constables of S. in the County of G. and to every of them.*

6 Glouc. ſſ. W. S. &c. Information being given, and complaint being made to us, that the perſons undernamed of your pariſh, have been duly taxed and aſſeſſed towards the raiſing of money for the relief of the poor of your pariſh, theſe ſeveral ſummes at their names ſet down, the which they have refuſed to pay upon demand. And a warrant having been ſent to the Churchwardens and Overſeers of the poor, to levy the ſame by diſtreſſe and ſale of the offenders goods; and information being given to us by the ſaid Churchwardens and Overſeers concerning the ſaid perſons undernamed, that there is no diſtreſſe to be had of their goods, whereby the ſame aſſeſſements may be levied of them, and that they do ſtill refuſe to pay the ſame rate. Theſe are therefore to authorize and require you in caſe it be ſo, that no diſtreſſe be now to be found or had, and that they do ſtil refuſe to pay the ſame rate, that you do apprehend the ſaid perſons, and them do convey to the common Gaole in the Caſtle of Glouc. there to remain without bail or mainprize, till they pay all the ſame money taxed, and the arrears thereof from them due reſpectively. Dated &c.

To commit to priſon for lack of diſtreſſe.

I. S. ——— 10 *s.*
W. S. ——— 5 *s.*
&c.

This warrant we think to be ſcarce warrantable by law, and ſhall not adviſe any Juſtice to make it without good advice. But if he will adventure, let him be ſure that the thing is true, that he doth refuſe, and there is no diſtreſſe.

To

Chap. 7.

To the Churchwardens and Overseers of the poor of the parish of Dale in the County of Glouceſt.

WS. &c. Information being given, and complaint being made to us, that I G. and L M. of your parish, the late Churchwardens and Overseers of the poor of the said parish, did at the end of their year make and yeild up to the Justices of the Peace of the County, an account of the sums of money by them received and payd. And that it appeared by the same account, that there was ten pounds in money in the hands of the said Churchwardens and Overseers, the which they have not paid and delivered over unto the overseers and Churchwardens newly nominated and appointed for this year, contrary to the statute in that case provided. These are therefore to authorize, &c. that you levy the same of the goods of the said I C. and L M. and in case no distresse can be had, that then &c. (as in the last, changing that which is to be changed) leaving out respectively every where. Dated, &c. 7 *Glouc. ſſ.* To distrain for arrears of accounts in the officers hands.

WS. &c. Forasmuch as A B. and C D. of the parish of E. the late Churchwardens of the same parish, and F G. and H I. the late Overseers of the poor of the same parish have been duly required to come before us, and bring in an account of their receipts and disbursments in the time of their office, according to the statute in that case provided, And they refuse so to do: These are to authorize and require you to apprehend all the said late Churchwardens and overseers of the poor, and them to convey to the common gaol within the castle of Glouceſter, there to abide without bail 8 *Glouc. ſſ.* To compel the Overseers to account.

Chap. 8. or mainprise until they have made a true account, and paid to the present Overseers and Churchwardens all the money that upon their accompt shall appear to be remaining in their hands. And hereof, &c.

Observations upon this last Warrant.

I shall not assure you that this Warrant is legally to be granted by the Justices, or may be safely executed by the subordinate officers, for the Statute doth not direct how the offenders shall be convicted. However, if the Justices grant such a warrant as this, or that before for lack of distresse, they must be sure they do it upon a sure ground, to wit, that the thing be true they do go upon; *viz.* That they do refuse to accompt, or that there doth want distress, &c. Otherwise its dangerous.

To the High Constable of the hundred of W.

9 *Glouc. ss.* W S. &c. These are to authorize and require you to send your warrants to all the petit Constables and Tithingmen of your hundred, to give notice to all the Churchwardens and Overseers of the poor of their several parishes respectively, that they or some of them be at the house of &c. (day and place) with a true and perfect account in writing of all the summes of money by them received, or rated, and sessed, and not received, as also of such stock as is in their hands, or in the hands of any setters of the poor to work, and of all other things concerning their office, and the same first examined and allowed by some of the most substantial persons of their parishes under their hands. And also that they do then and there give us in writing

To call in the old Overseers of the poor, & to name new ones.

writing the names and ſirnames of three or four of the moſt ſubſtantial inhabitants in their ſeveral pariſhes, that we may chuſe ſome of them to be Overſeers for the poor of each ſeveral pariſh for the next year. And hereof, &c. Chap. 7.

To the Churchwardens and Overſeers of the poor of the Pariſh of G.

W S. &c. Complaint being made to us againſt I H. one of the Overſeers of the poor of the pariſh of Dale in this county, for this year, that he hath not met with the reſt of the officers there monethly in the Church on the ſunday, according to the Act of Parliament in that caſe provided, whereby he hath forfeit 20 s. Theſe are therefore to require and authorize you to levy the ſame twenty ſhillings of him by way of diſtreſſe, and ſale of his goods, rendring to him the overplus. And the ſame money ſo received, that you imploy to the uſe of the poor of your pariſh. Given under our hands, &c. 10 *Glou. ſſ.* To levy 20 s for their neglect in their office.

Obſervations upon this warrant.

This warrant is commonly made, but I cannot tell how warrantably, for there is no way of conviction ſet down in the ſtatute for this offence, and then I take it, it muſt be by indictment, and can be no way elſe. But let him that grants this warrant be ſure that the cauſe thereof be true, and let him be well adviſed that the warrant be good.

2. The ſame Law will be if they do not accept the office, ſet their poor on work, make rates to raiſe money, and place poor children Apprentices, and the like. Such a warrant muſt

Chap. 7. be, if any be: But I conceive its ſafe to do it by way of indictment, and being convicted upon a traverſe, then two Juſtices may ſend their warrant to levy the twenty ſhillings according to the ſtatute.

To the high Conſtable of the hundred of W. and to all the Churchwardens, and Overſeers of the poor, of all the pariſhes within the ſame hundred.

11 *Glou. ff.* These are to require you to ſend your warrants and give notice to all the Churchwardens and Overſeers of all the pariſhes within your hundred, that they are to be and appear before us, ſome of the Juſtices of the peace of this County, upon Monday next, the day, &c. at the houſe &c. with a note in writing of the names of all ſuch poor people within their pariſhes reſpectively as are overburthened with children, ſo that they are not able to keep their children by their labour, and what children they have that are fit to be placed Apprentices, and the names of ſuch men of worth within their pariſhes reſpectively that they think fit to make Maſters for ſuch poor children; to the end that we may then and there take a courſe to eaſe them by binding them to ſuch Maſters. And the ſaid Churchwardens and Overſeers are hereby required to take notice hereof by your warrant, and to ſee they do attend us in the execution of the contents thereof. And you alſo the ſaid high Conſtable are to bring with you to us then, and there, another note in writing of all ſuch perſons within your hundred as you know or judg fit to make or take ſuch kind of Apprentices, and hereof you are not to fail, &c.

To bind poor children Apprentices.

This

This Indenture made the day of, &c. witneſſeth that *A B.* & *C D.* &c. Overſeers of the poor in the town of *D.* in the County of *G.* and *E F.* and *G H.* Churchwardens of the ſame Town, by & with conſent of *W S.* & *I S.* Eſquires, two of the Juſtices of the peace for the County of Glouc. have by theſe preſents put, placed and bound *I H.* (being a poor fatherleſs and motherleſs child, or the child of *W H.* a poor man) as an Apprentice with *R S.* of, &c. Baker, and as an Apprentice with him the ſaid *R S.* to dwel from the day of the date of theſe preſents, until the ſaid *I H.* ſhall come to the age of four and twenty years (and if it be a woman, then it muſt be until her age of twenty one years, or day of marriage, which ſhall firſt happen) according to the ſtatute in that behalf provided. By, and during all which time the ſaid *I H.* the ſaid *R S.* his Maſter ſhall faithfully and obediently ſerve, and in all things behave himſelf honeſtly and orderly as doth become ſuch a ſervant. And the ſaid *R S.* for his part promiſeth that he the ſaid *R S.* during the ſaid time, the ſaid *I H.* in the craft and occupation the which he uſeth, after the beſt manner he can or may, ſhall teach and inform, and to him ſhall find meat, drink, and apparel, and all other things neceſſary and meet for an Apprentice of his condition, &c. in witneſſe, &c.

Chap. 7.

Name all the Overſeers and Churchwardens.

Indenture to bind a poor child Apprentice.

W S. and I S. Eſquires, two of the Juſtices, &c. To the Conſtables, &c. Information being given to us upon oath, that I S. of, &c. a poor child, being by the Churchwardens and Overſeers of the poor of Dale in this County, and two of the Juſtices of the peace of the County, bound Apprentice to L M. according to the ſtatute in that caſe provided, and that he doth refuſe to take him. Theſe are

12 *Glou. ſſ.*

Chap. 8. therefore to authorize and require you to apprehend him the ſaid L M. and bring him before ſome Juſtice of the Peace of this County, to enter into bond to appear at the next general Gaole delivery, or at the next quarter ſeſſions, to be held for the County of Glouc. to anſwer his contempt. And in caſe he refuſe ſo to do, that then ye do him carry and convey to the common Gaole of the County of Glouc. there to remain till he ſhall ſo do And hereof, &c. See more in warrants to bring in and bind over, Chap. 22. All theſe warrants in this Chapter are grounded upon 43. Eliz. 2.

14 *Glou. ſſ.* Information being given unto us, that I S a poor child of W S. of your pariſh of D. being placed an Apprentice with K L. by the Churchwardens, Overſeers of the poor, and Juſtices of the Peace, that the ſaid W S. will not ſuffer him to ſerve with his Maſter, but doth entice him from his ſervice. Theſe are therefore to require and authorize you to apprehend the ſaid W S. and him to carry to the common Bridewel within the Caſtle of Glouc. until he do conform to the order of the Churchwardens, and Overſeers of the poor, and Juſtices of the Peace herein. And hereof &c.

Chap. VIII.

About the Churchwardens.

1 *Glouc. ſſ.* To make Churchwardens.

WE the Juſtices of the Peace of the County of Glouceſt. next adjoyning to the Pariſh of Dale, whoſe hands and ſeals are hereunto annexed, do allow and appoint I S.

I S. and W S. of the ſame pariſh duly choſen by the ſaid pariſh, to be the Churchwardens of the ſame pariſh for this preſent year 1654 according to the Ordinance of Parliament in that caſe provided: witneſſe our hands and ſeals; this, &c. **Chap. 8**

These warrants are all grounded upon the ordinance, Feb. 9. 1647.

To the preſent Churchwardens of Vale in the County of G.

Complaint being made to us againſt the perſons hereunder named, all of your Pariſh of D. by the Churchwardens there, that the ſaid perſons undernamed do refuſe to pay the ſums of money hereunder mentioned upon them impoſed, and at their names appearing, the ſame being ſeverally aſſeſſed, and rated upon them for and towards the repair of your Church, and other Church-duties, albeit the ſame Rate be duly made and confirmed by the Juſtices of the Peace, according to the Law in that caſe provided. Theſe are therefore to authorize and require you forthwith to demand all and every the ſaid ſummes of money unpaid and in arrere. And in caſe the ſame ſhall not be paid to you upon demand, that then you levy all the ſame ſums of money that ſo upon demand ſhall not be paid, and all the arrears thereof, and 2 ſhillings 6 d. apiece more allowed for the making of the diſtreſſe, of all and every of the ſaid perſons in arreare, and refuſing or neglecting to pay the ſame, by diſtreſſe and ſale of their goods, rendring to them the overplus that ſhall remain upon the ſale thereof. And this ſhall be your warrant therefore. Given under our hands and ſeals at Dale in the ſaid County, &c.

2 *Glouc. ff.* To diſtrain for the Church.

W S. and K S. Eſquires &c. To the preſent Church-

3 *Glouc. ff.*

Chap. 8. Churchwardens of the parish of D. in the County of G. Information being given and complaint and proof made to us against I S. and L M. both of your parish of D. and the late Churchwardens of the said parish, that they did not at the end of their office, give in their Account, and pay in the money remaining in their hands to the succeeding Churchwardens, but that there is yet remaining in their hands twenty shillings of the parish stock, which by the Law in that case provided they ought to have paid in to their successors in the same office, whereby they have forfeited to the use of the poor of your parish twenty shillings. These are therefore to authorize and require you forthwith to levie the same twenty shillings remaining in their hands, and twenty shillings forfeiture for their offence, and two shillings six pence allowed for the making of the distresse of the goods of the said I S. and L M. or one of them, by distresse and sale thereof, rendring to them the overplus thereof. And for this, that you do account as for other money concerning the Church, And this shall be your warrant. Given under our hands and seals &c.

To distrain for arrears of account.

W S. and K S. Esquires, to the Constables of the parish of D. in the County of Glouc. and every one of them. Whereas the persons undernamed of your parish have been duly rated towards the repair of your parish Church, and other Church duties, the several summs at their names appearing, and the same have been demanded of them, and a warrant sent from us to distrain for the same upon their goods according to the Law in that case provided, and it hath been proved to us by the oaths of two witnesses that there is no distress there

4 Glouc. ff.

To commit for lack of distresse.

to

to be had of their goods, whereby to levie the ſame of them, and they do ſtill neglect to pay the ſame to the Churchwardens of your pariſh. Theſe are therefore to authorize and require you, and every of you forthwith to apprehend the ſaid perſons not paying the ſame money, and them there preſently to carry to the Common Gaole of your County, there to remain without bail or mainpriſe, until they have made payment of the ſaid ſummes of money, and all arreares thereof. And the keeper of the ſame Gaole, or his deputy to whom you are to deliver them, is hereby required to receive them, and detain them accordingly: And theſe ſhall be your warrant. Given under our hands and ſeals, &c. Chap. 8.

5 *Glouc. ſſ.*

To commit them to priſon for not accounting.

W S. and K *S.* Eſquires, &c. To the Conſtables of D. in the County of G. and every of them. Complaint and proof being made to us, againſt I S. and L M. both of your pariſh, the two laſt Churchwardens of you pariſh, for that they did not within four daies of the end of their year, and after the preſent Churchwardens were named, make and yeild up to their ſucceeding Churchwardens and to the Juſtices of the peace a true and perfect account of all ſums of money by them received, or rated and aſſeſſed and not received; and of all other things concerning their office, and for that they did not pay, and deliver over to their ſucceeding Churchwardens newly appointed, the money in their hands, as they ought to have done according to the Law in that caſe provided, but that they did then, and ſtill do keep and detain in their hands of the pariſh money 10 *lib.* the which they ought to have paid and delivered over as aforeſaid. And that the ſaid I S. and L M. do ſtill refuſe to account-

Chap. 8. count, whereby they have forfeit twenty ſhillings to the uſe of the poor of your pariſh. Theſe are therefore to authorize and require you forthwith to apprehend the ſaid I S. and L M. and them then preſently to carry to the common Gaole of the ſame County, and deliver to the Gaoler or his deputy there, hereby required to receive them, there to remain without baile or mainpriſe, until they ſhall make a true account as aforeſaid, and ſhall ſatisfie and pay ſo much to the preſent Churchwardens there, as upon the ſaid account ſhall be found to be remaining in their hands. And theſe ſhall be your warrant, &c. Given under our hands and ſeals at D in this County, &c.

6 Glouc. ff. Either is ſufficient.

To repair an Iſle, Church or chancel.

W S. &c. To the Church-wardens of D in the County of G. Complaint being made to me that the Church of D. or that the chancell of the Church of D. or that the Iſle adjoyning to the Church of D. is ruinous; and having examined the truth hereof, and received a certificate from the Miniſter and ſome other of your pariſh, teſtifying the ſame. By all which I find that the ſame Iſle is uncovered and wanteth tiling, by which it raineth down into the ſame Iſle. Theſe are therefore to give you notice thereof. And I do hereby under my hand and ſeale order, and appoint you the ſaid Churchwardens well and ſufficiently to repair the ſame, before the firſt day of October next coming: Or otherwiſe that I ſhall bind you over to the Quater Seſſions to anſwer your neglect herein. Given under my hand and ſeal, this, &c.

7 Glouc. ff. To call in them that have church Lands.

W S. and K S. two of the Juſtices &c. To the &c. (as the laſt.) Information being given to us, that I S of your pariſh of D. hath and holdeth, or receiveth the rents and profits of certain Lands, heretofore given

given to the uſe of your Church of D. The which rents and profits he doth detain and keep in his own hands, and not imploy to the uſe aforeſaid, as he ought to do. Theſe are to require you to warn the ſaid I S. to be before us (ſuch a time and place) to anſwer the premiſes, &c. Dated, &c. Chap. 8.

If he appear and cannot deny, he is to be bound to the next ſeſſions. If he appear not, this next warrant may be ſent.

W S. and K S. &c. To the Churchwardens of Dale in the County of G. Information having been given to us, &c. (recite that part) And the ſaid I S. having been warned to appear before us to anſwer the premiſes, but hath not appeared. Theſe are therefore to require you to bring the ſaid I S before us, or ſome, or one of us, or ſome other Juſtice of peace of this County, to be bound over to the next quarter ſeſſions, then and there to anſwer the premiſes. Given, &c. 8 *Glouc. ſſ.* To bind over.

To the Conſtable of D. in the County of G.

W S. &c. Complaint being made to me by I S. Clark of your pariſh of D. that the perſons undernamed of your pariſh do refuſe to pay him his due fees and wages, being the ſeveral ſums at their names appearing. Theſe are therefore to require you forthwith, to warn the ſaid parties immedately, to pay the ſame, or that they appeare before me, (ſuch a time and place,) to anſwer the premiſes, Dated &c. 9 *Glouc. ſſ.* For a Clark.

W S. and T W. two of &c. To the Churchwardens of Dale in the County of G. Information being given in unto us, that the Church of Newent, in the Seats, and the Tower, and Bells belonging there 10 *Glouc. ſſ.*

Chap. 9. thereunto are very much ruinous and in decay, and that of neceſſity the ſame muſt be repaired.

Theſe are therefore to authorize and require you forthwith ſufficiently to repair and amend the ſame according to the Ordinance of Parliament in that caſe provided: and for the raiſing of money to do the ſame, you are according to the power given you by the ſame Ordinance to make ſuch rates upon the ſaid pariſh as ſhall be neceſſary. And that you appear before us at, &c. upon Thurſday the 20 day of July next, to give us an account of your doings herein at your Peril. Given under our hands and Seals at the Caſtle of Glouc. this 21 day of June 1654.

CHAP. IX.

About the Peace and good Behaviour.

1. *Glous. ſſ.* For the Peace.

W. S. Eſquire, one of the Juſtices, &c. To all Conſtables and Tithingmen within the County of G. and eſpecially to the Conſtable of Dale in the ſame County. Foraſmuch as I S. of D. aforeſaid, hath taken his oath before me, that M O. of the Pariſh of D. aforeſaid, hath aſſaulted and beaten the ſaid I S. and further hath threatned him, (or thus only) hath taken his oath before me that M O. of &c. hath threatened him in ſuch ſort, that he is afraid that the ſaid M O. will beat, wound or kill him, or do him ſome other bodily hurt, or burn his houſe. And thereupon the ſaid I S. hath prayed ſecurity of the Peace to be granted againſt the ſaid M O. Theſe are therefore to authorize and require you and every of

of you, that immediately upon ſight hereof you cauſe him the ſaid M O. to come, and in caſe of his refuſal, to bring him before me, or ſome other Juſtice of the Peace of this County, to find ſufficient ſureties, as well for his perſonal appearance at the next Generall ſeſſions of the peace to be holden for this County, as alſo for the keeping of the Peace towards his highneſſe the Lord Protector and all his good people, eſpecially towards the ſaid I S. And if he ſhall refuſe ſo to do, that you carry him to the common Gaol of the County of Glouc. and deliver him to the keeper thereof, who is hereby commanded him to receive, and keep a priſoner until he become bound as aforeſaid. And hereof fail not, &c. Chap. 9.

Some ſay that this warrant may be granted againſt any man that hath broken the Peace, but I cannot conſent to it, unleſs the Peace be broken in the preſence of a Juſtice of Peace. But upon oath it is grantable alwayes.

W S &c. To all &c. (as in the laſt.) It appearing to me by the proofs of credible and ſubſtantial witneſſes againſt I S. and M S. both of your pariſh of Dale, that they are people of ill name and fame, and of very lewd lives and converſations, or are common Barretors, or are Common Riotors, or common breakers of the peace, or common Ale-houſe-haunters, or common drunkards, or common ſwearers, or common wood-ſtealers, or do keep a common ſtews or bawdie-houſe, or common hedg-breakers, or common tale-bearers, or common ſlanderers, or common libellers, or common whoremongers, or common whores, or common ſowers of diſcord and makers of ſtrife amongſt their neighbours, or common night- 2 *Glouc. ſſ.* For the good Behaviour. Either of theſe are ſufficient.

Chap. 9. night-walkers, or common cheaters, or common companions of theeves, or common meſſengers for theeves, or common pilferers, or commonly ſuſpected to be theeves, or do commonly practiſe poyſoning, or common eveſdroppers, or common night-walkers, or are commonly ſuſpected of incontinency, or common harbourers and entertainers of whores, rogues or theeves, or common robbers of Orchards, or have ſold Ale (or beere) without licenſe, and contrary to the command of the Juſtices of the Peace, or are idle perſons wandring up and down, fare well, and ſpend much in Ale-houſes, and having no known and viſible eſtate to maintain it; or that I S. hath begotten a baſtard child on the body of the ſaid M. and that the ſame is like to be chargeable to the Pariſh of Dale, or that he had his hand in the ſending away of L M. the reputed father of a baſtard child, there left to the charge of your pariſh. Theſe are therefore to authorize and require you and every one of you, forthwith to cauſe to come, and in caſe of refuſal to apprehend and arreſt the ſaid I S. and M. and them to bring before me, or ſome other Juſtice of the Peace of this County, to the end that they may find ſufficient ſureties for their appearance at the next generall ſeſſions of the Peace, to be held for the County of Glouc. and in the mean time to be of good behaviour towards his Highneſſe the Lord Protector, and all the people of this common wealth. And if they ſhall refuſe to do the ſame, that then you carry, &c. as in the laſt, to the end. And hereof, &c.

Another of the ſame. W S. &c. To &c. Theſe are to require you, that immediately upon ſight hereof you cauſe to come, or bring before me I S. of, &c. to anſwer to ſuch mat-

matters as on the behalf of his Highneſs the Lord Protector ſhall be objected againſt him by the complaint of *M M.* And alſo that you require him to bring ſureties with him for his good appearing till the next general ſeſſions of the peace, to be held for the County of Glouc. And hereof, &c. Chap. 9.

W S. Eſquire, &c. To the Conſtable of, &c. Whereas it is proved before me, that *M S.* of &c. ſingle woman, is with child of a baſtard child, and that *I S.* is the reputed father of it. Theſe are therefore to authorize and require you and every of you, that preſently upon the receipt hereof, you cauſe to come, or bring the ſaid I S. and M S. before me, or ſome other Juſtice of peace of this County, to find ſufficient ſureties, as well for their appearance, &c. (as in the laſt) And hereof &c. *4 Glouc. ſſ.* For the reputed father of a baſtard child.

W *S.* &c. To, &c. It appearing to me by the Records of the ſeſſions of the Peace for this County, that *I S.* of your pariſh of D. ſtands indicted there for ſelling Ale and Beer, contrary to the command of the Juſtices of the peace. And that he hath not as yet appeared nor pleaded to the ſame indictment, and that the ſame is ſtill depending and in force againſt the ſaid *I S.* Theſe are therefore (as in the laſt.) And hereof, &c. *5 Glouc. ſſ.* Againſt one indicted.

And thus may any Juſtice of peace do upon any Indictment for ſuch an offence as for which a man doth deſerve to be bound to the good Behaviour, as for incontinency, common ſwearing, common drunkenneſſe, and the like.

W S. &c. To, &c. I S. of your pariſh of *D.* being duly convicted before me, of ſuch matter of miſbehaviour, as for which he ought to be bound with ſureties for his good behaviour. Theſe are therefore, &c. as in the reſt. *6 Glouc. ſſ.* Another very ſhort, for the good Behaviour.

Chap. 10 This laſt warrant may ſerve in any caſe, or for any cauſe whatſoever, for which a man is to be bound to the good Behaviour, unleſs it be where the offender is to be bound for a limited time only. And then the warrant may ſay, I S. being convict before me of ſuch an offence, for which he is to be bound to the good Behaviour 7 years. Theſe are, &c. as in the reſt; but ſay, To the end he may be bound with ſureties, &c. for 7 years, &c. And hereof, &c.

CHAP. X.

About Witneſſes.

Glouc. ſſ. To call witneſſes. WS. &c. To the Conſtables of Dale. You are hereby required forthwith to warn I S. of your pariſh to come before me on Monday by 9. a clock in the morning to teſtifie his knowledg on the behalf of his Highneſs the Lord Protector. And not to fail, &c.

Another of the ſame. You whoſe names are ſubſcribed, are hereby required to appear before me, &c. to give in evidence on the behalf of his Highneſſe the Lord Protector. And not to fail, &c.

To the Conſtables of Dale.

Or thus. Foraſmuch as I S. of your town yeoman, is thought to be a fit and neceſſary witneſs to be examined on the behalf of the Lord Protector; Theſe are to command you that you do forthwith warn him perſonally to appear before the Juſtices of the P. at the next ſeſſions of the P. to be holden for this County, then and there to teſtifie his knowledg on the behalf of the ſaid Lord Protector, to and upon ſuch matters as he ſhal be then and there examined of. And hereof, &c.

CHAP.

CHAP. XI.

About Watch and Ward.

W.S. and I.S. two of the Juſtices, &c. To the high Conſtable of the hundred of W and all the petit Conſtables within the ſame hundred. Information being given to us, that very many ſuſpitious perſons do wander about the County without controlement or queſtion; for the preventing therefore of this in time to come, It is by us ordered, and you are hereby all of you ſtraitly charged to look to your offices herein, and to ſee that you keep a careful and ſtrong watch by night, and ward by day from ſun to ſun, in all the pariſhes and places within your hundred, by able and well armed men, and to charge them that they do poſe all men, and arreſt vagrants and perſons that are ſuſpitious, and bring them to a Juſtice of Peace to be examined, and dealt with according to the Law. And all perſons whatſoever are by us hereby commanded to be aiding, aſſiſting, and obedient to you herein, under pain of contempt. And you the ſaid officers are to preſent to us the default of the refuſers, and them that are otherwiſe. And you the ſaid high Conſtable are to give notice hereof, and a ſtrict charge herein to your petit Conſtables, as you will anſwer the contrary. Given under our hands, &c. *Glouc. ſſ.*

It being proved to me by I K. of the pariſh of D. that the firſt of May, &c. he the ſaid I K being

Chap. 12 then the Conſtable of Dale, commanded I S. &c. aforeſaid, to keep watch with the inhabitants of the town of Dale, from Sun ſetting of that day, till Sun riſing of the next day, but he refuſed and denyed ſo to do, and made default therein, by which the watch at that time was not kept, &c. Theſe are, &c. To bind him to the good Behaviour.

CHAP. XII.

About Ale-houſes, Ale-houſe-keepers, Drunkards, &c.

To all Officers whatſoever.

1 *Glouc. ſſ.* A licenſe to keep an Alehouſe.

WE the Juſtices of peace and Quorum for the County of Glouc. do licenſe and authorize *I S.* of Dale in the ſaid County to keep a common Ale-houſe or Tipling-houſe, and to uſe common ſelling of Ale and Beer, or Cider in the ſaid Town of D. according to the form of the ſtatute in that caſe provided, under the Orders and Articles hereunto ſubſcribed, for one year only, next after the date hereof. Witneſs our hands and ſeals, this, &c.

This is grounded upon 5 and 6 of Ed. 6 25.

Orders to be obſerved by all the Inne-keepers and Ale-houſe-keepers.

1. That they ſuffer no perſons to be Tipling in their houſes againſt the Laws herein provided.

2. That they ſuffer not any perſons to play at unlawful games, in their houſes.

3. That

3. That they ſuffer none but ſuch that have neceſſarry occaſion to be or remain drinking in their houſes on the Lords day. Chap. 12

4. that they ſuffer none to be drinking there at unſeaſonable times of the night.

5. That they ſuffer none other diſorder or miſrule in their houſes.

W *S.* and K *S.* two of, &c. To the Conſtables of Dale within the County of G. Whereas we are informed that I *S.* of your town Ale-houſe-keeper, is himſelf a man of evil behaviour, and doth alſo ſuffer ill rule and diſorder in his houſe, contrary to the Laws in that caſe provided. Theſe are therefore to require you forthwith to repair to the houſe of the ſaid I *S.* and to charge him from us, and in our names to ſurceaſe from common ſelling of Ale, or Beer, at his perill. Given &c. 2 *Glouc. ff.* To ſuppreſſe an alehouſe

W *S.* and K *S.* &c. To the Conſtables of D. in the County of G. and every of them, whereas I *S.* of D. in the ſaid County, hath of his own authority taken upon him to keep a common Ale-houſe in D. aforeſaid, and ſtill continueth ſo to do, contrary to the ſtatute in that caſe provided, albeit he hath been duly diſcharged and forbidden ſo to do by the Juſtices of the peace of the County. We therefore do hereby command you that you do him apprehend and convey him to the common Gaole of this County, and him deliver to the keeper there, who is hereby charged to receive him at your the ſaid Conſtables hands, and him ſafely to keep for three dayes, and afterwards till he become bound with good ſureties before ſome Juſtices of the peace of this County, that he ſhall not keep a common Ale-houſe or Tipling-houſe any 8 *Glouc. ff.* To commit an alehouſe keeper for ſelling without licence. Upon 5 and 6 Ed. 6. 25

Chap. 12 more, according to the ſtatute in that caſe provided: And hereof, &c.

Obſervations upon this Warrant.

We find this Preſident amongſt their printed warrants, but do not find a good ground for it. Nor can we ſee how the Juſtices may ſafely make it, for we know not how the offender may be convict upon 5. and 6. of Ed. 6. but by indictment. But if the Ale-houſe-keeper ſell after he is diſcharged, this is a contempt. And then we conceive upon proof of this, any Juſtice of peace may ſend for him, and bind him to the good Behaviour, and to appear at ſeſſions; and if he cannot put in ſureties, may ſend him to Gaole. And by this way Ale-houſe-keepers may be made to give over their ſelling of Ale. Or he may proceed againſt him upon the ſtatute of 3. Cat 3 by the warrant that comes after here, Numb. 10

4 *Glouc. ff.* Against the ale houſe-keeper for ſuffering tipling, and the tipler for tipling

Grounded upon 1 Jac. 9

W S. Eſquire, &c. To the Conſtables of Dale in the County of G. and every of them; Or it may be directed to the Churchwardens of Dale in the County of G. Foraſmuch as it hath been duly proved before me, that the perſons here undernamed, inhabitants within your pariſh of D. upon the firſt day of May laſt, were and did continue drinking and tipling in the houſe of G W. an Inne-keeper, or an Alehouſe-keeper within your ſaid pariſh, and that the ſaid G W. did then ſuffer it, contrary to the ſtatutes in that caſe provided. By which the ſaid perſons undernamed have forfeit each of them three ſhillings 4. d. a piece, and the ſaid Inne-keeper hath forfeit ten ſhillings, to the uſe of the poor of your pariſh. You are therefore

fore hereby required to take notice thereof, and ac- Chap. 12
cording to the duty of your place forthwith to le-
vie of the goods of the ſaid G W. to the uſe of the
poor of your pariſh ten ſhillings, by diſtreſs, appriſe-
ment, and ſale thereof, according to the ſtatute,
rendring to him the overplus. And likewiſe to le-
vy by diſtreſs and ſale of the goods of every of the
ſaid perſons undernamed three ſhillings 4 d. a
peece, in caſe the ſame perſons ſhall refuſe or neg-
lect to pay the ſame three ſhillings 4 d. to the
Churchwardens of the pariſh within one week after
the demand thereof, rendring back the overplus.
And in caſe the ſaid laſt offenders, or any of them
be unable to pay the ſame forfeiture, that then you
put the ſame perſons ſo unable in the ſtocks, there
to remain the ſpace of four hours. And you are
further to give notice to the ſaid G W. that he is
by this offence diſabled to keep any common Ale-
houſe, by the ſpace of three years next following.
And hereof, &c. A B. C D. E F. G H.

This offence of tipling muſt be puniſhed within
ſix moneths, and therefore the warrant ſhall do well
to expreſſe the offence to have been done within ſix
moneths.

W S. &c. To, &c. (as in the laſt.) It being duly *5 Glouc. ſſ.*
proved before me, that I S. of, &c. an Inne- Another.
keeper, or Victualler, or Ale-houſ-keeper, or Ta-
verner, or one that doth ſell wine in his houſe, did Either of
upon the firſt day of May laſt, in his houſe there, them will
being an Ale-houſe, or Inn, or Tavern, (as the caſe ſerve.
is) permit and ſuffer divers unknown perſons to be Grounded
and remain tipling, contrary to the Act of Par- upon 1 Car.
liament in that caſe provided, by which he hath 4 and 1 Jac.
forfeited ten ſhillings, &c. (as in the laſt.) And 9.
hereof, &c.

Chap. 12

6 Gloue. ff. For not keeping the assize. Grounded upon 1 Jac. 9

W *S.* &c. To the Constables of D. in the County of G. and every of them, (or it may be to the Churchwardens.) Whereas *I S.* an Ale-house-keeper, or an Inn-keeper of your parish of Dale, hath been lawfully convicted before me for selling Ale and Beer by unlawful measures, and lesse then a quart of the best for a penny, within three months now last past, at D. aforesaid, contrary to the statute in that case provided, whereby he hath forfeit twenty shillings to the use of the poor of your parish. You are therefore hereby required to take notice thereof, and according to the duty of your place forthwith to levy of the goods of the said *I S.* by distress, appraisement and sale thereof, according to the statute in that case provided, to the use of your poor, the same summe of twenty shillings. And you are hereby required to give notice to the said I S. that he is disabled for three years next coming, to keep any such common Ale-house again.

7 Gloue. ff. Another. Upon 1 Jac.

W *S.* &c. To, &c. (as in the last.) Every of the persons here undernamed being lawfully convicted before me, for selling Ale and Beer, the first day of May last, at the places of their severall abodes hereunder mentioned, contrary to the statute in that case provided. These are to require you to levy by distress and sale of the goods of every of the said persons so named, the summe of twenty shillings. And if they shall refuse to pay the said summe, you are to detain the said goods so distrained six dayes, and then for default of satisfaction, to prize, and sell the same, rendring the overplus; which several forfeitures shall be by you imployed to the use of the poor of your parish. And if any of them refuse to pay their seve-

ſeveral forfeitures, and that you find not a ſufficient diſtreſs, wherein to levy the ſame, That then you the Conſtables, or one of you commit every ſuch offender to the ſtocks, there to remain by the ſpace of four hours. And hereof, &c. Chap. 12

Obſervations upon theſe four warrants.

In caſe of ſelling leſſe then meaſure and tipling we conceive the Iuſtice cannot command the Officer, for the ſtatutes do not give him power to make any warrant. But the Officer is *ex officio* of his own power to do it. Therefore this laſt warrant, however we find him in print, yet we cannot juſtifie him, eſpecially the laſt branch, of putting the Ale-houſe-keeper in the ſtocks; for we do not find it warranted by any Law. My advice to the Juſtices of peace therefore is, that they do not uſe him.

W S. &c. To the Conſtables of D. and every of them. I S. of your pariſh of Dale being lawfully convicted before, for being drunk the firſt day of May laſt, at Dale, aforeſaid, contrary to the ſtatute in that caſe provided, this being the firſt offence, for which he is to forfeit five ſhillings, or to be put in the ſtocks ſix hours. Theſe are therefore to authorize and require you, and every of you, forthwith to demand the ſame five ſhillings of him, and in caſe he pay it not to the Churchwardens of your pariſh within one week after demand, that then you levy the ſame by way of diſtreſſe and ſale of his goods, giving back the overplus. And in caſe he be not able to pay the ſame, that then you put and keep him in the ſtocks by the ſpace of ſix hours, and hereof, &c. 8 *Glouc. ſſ.* For drunkards, upon 1 Jac. 5.

W S.

Chap. 12 W S. &c. To the Conſtables, &c. It appearing to me by my own view, that I S. of your Town was on wedneſday laſt drunk, contrary to, &c. By which, &c. (as in the laſt.) Theſe are, &c. (as in the laſt.)

9 Glouc. ſſ. Another.

This offence alſo muſt be puniſhed within ſix months after it is done, and therefore the warrant is to ſay when it was done.

10 Glou. ſſ. For ſelling ale without licenſe upon 3 Car. 3. The firſt offence.

W S. &c. To the Conſtables of Dale in the County of G. or it may be to the Churchwardens of D. The perſons undernamed, all of them of your pariſh, being lawfully convicted before me for an obſtinate keeping, and maintaining of a common Ale-houſe or Tipling houſe the firſt of May laſt, in the places there mentioned, without lawful Licence, againſt the Laws in that caſe provided, for which each of them are to pay twenty ſhillings a peece to the uſe of the poor of your pariſh, or to be openly whipped. Theſe are therefore to authorize and require you forthwith to levie the ſame of each of them by diſtreſſe, appriſement, and (after three daies the money not paid,) by ſale of their goods reſpectively, giving back the overplus. And in caſe of lack of diſtreſſe, or not payment thereof within ſix dayes, now the next following, that then you ſee them openly whipped for the ſame. And the money by you received, you are to ſee be imployed to the uſe of the poor of your pariſh. And hereof, &c.

I S. of *M.* for keeping an Ale-houſe in *M.* in this County.

L M. of *K.* for keeping an Ale-houſe in *K.* in this County.

N O. of *S.* for keeping an Ale-houſe in *S.* in this County.

Chap. 12.

To the Conſtables of Dale.

W S. &c. Whereas *I S.* of your pariſh of Dale have been duly convicted before me the ſecond time for ſelling Ale and Beer without licence, and for keeping a common Ale-houſe and Tipling-houſe, for which ſecond offence he is to be committed to the Bridewel for one moneth, according to the Laws provided in that caſe. Theſe are therefore to require you forthwith to apprehend the ſaid *I S.* and him to carry to the Bridewel within the Caſtle of Glouc. to the Governor thereof, who is hereby commanded to receive him, and there to keep him, by the ſpace of one moneth, and to deale with him as an idle, lewd and diſorderly perſon. And this ſhall be your warrant. Dated, &c.

11 *Glou. ſſ.* For ſelling ale without licenſe the ſecond time

Grounded upon 3 Car. 1.

So by this the warrant may be made upon the third Conviction to commit him to the houſe of Correction, there to remain till by order of the Juſtices in their general quarter ſeſſions he be from thence delivered.

No warrant can be made (as it ſeems to me) by a Juſtice againſt the Officer that doth neglect, or refuſe to levy the twenty ſhillings upon the Ale-houſe-keeper for ſelling without licence, to commit him, or force him to pay the forty ſhillings upon 3. Car. 3. For there can be no conviction of him, and therefore no puniſhment of him thus, but by way of Indictment. So the Officer upon 1 Jac. 9 that ſhall not execute his Office againſt Ale-houſe-keepers, for ſuffering tipling, or ſelling leſſe then meaſure, or others for tipling. And the Officers that ſhall upon 4 Jac. 5. neglect to execute their offices againſt drunkards, cannot be puniſhed upon the

Chap. 12 the Juſtices warrant, becauſe the Juſtice is not to command, but the Officer in the firſt caſe *ex officio* to do execution, and becauſe the Juſtice cannot convict by witneſſes: And yet it ſeems reaſonable, that upon 1 Jac. for lack of certificate of want of diſtreſs, that the Juſtice ſhould ſend his warrant for that which is in his own knowledg. But if any Juſtice in theſe and ſuch like caſes will adventure to lend his warrant, he muſt be ſure that there is ſuch a neglect. And then if he will adventure, we conceive his warrant muſt be after this form.

12 *Glou. ſſ.* W *S.* &c. To I *S.* and W *S.* of Dale in the County of G. Whereas W *S.* of your pariſh, Ale-houſe-keeper, was duly convict before me for ſelling leſſe then one full quart of his Ale for one penny, and of the ſmall leſs then two quarts for one penny: and I did thereupon ſend my warrant to the Conſtable of your pariſh, I *S.* being then the Conſtable there, to give him notice thereof, and to call upon him to do his duty in levying the ſumme of 20 ſhillings, forfeited by him for his ſaid offence, by way of diſtreſſe to be taken of the goods of the ſaid W *S.* and that the ſame being detained ſix daies, and no ſatisfaction made to him, that then he did preſently appriſe, & ſell the ſame goods, and render the overplus, according to the power to him given by the Acts of Parliament in that caſe provided. But the ſaid I S. hath not levyed the ſame money, as is ſaid, nor hath certified to me any lack of diſtreſs, albeit my ſaid warrant was ſent to him more then twenty dayes ſince, by which the ſaid Conſtable hath forfeited forty ſhillings, to the uſe of the poor of your pariſh. Theſe are therefore to require you the ſaid I *S.* and W *S.* forthwith to levy the ſame 40 ſhillings of the goods of the ſaid I S.

the

the then Conſtable in this wiſe, *viz.* to take and de- Cha. 13.
tain his goods by way of diſtreſs for ſix dayes, within which time if he pay you not, that then you preſently appriſe and ſell the ſame, rendring to him the overplus. And if no diſtreſſe can be had, that then you carry the ſaid I S. to the common Gaole of the County, there to remain until he ſhall pay the ſame. And hereof, &c.

CHAP. XIII.

About Maſters, Servants, Labourers, Apprentices.

WE have ſeen divers Preſidents of warrants by one Juſtice of peace to apprehend a fugitive ſervant, and one that refuſeth to ſerve, and carry him to Gaol, unleſſe he put in ſecurity to ſerve his Maſter, &c. we ſhall not give you any Preſident hereof, becauſe we underſtand not upon what Law it is grounded. But ſome of thoſe we conceive may be warranted upon the Laws in force, we have hereafter ſet down. For placing of the poor Apprentices, ſee in *Poor*.

To the Conſtables of D. in the County of G.

W S. and K S. two of the Juſtices &c. Infor- 1 *Glouc. ſſ.*
mation being given to us, that I S. of your Town To command
of Dale, is a perſon of an able body, and hath no- one that
thing whereby to live that can be ſeen but her works at
work, and liveth by working at her own hands, her own
hands to go
and to ſervice

Chs. 13 and refuseth to go to service: you are hereby required forthwith to give her notice, that she is before Michaelmas next to put her self into service, according to the statute in that case provided. And she is hereby required to conform her self hereunto at her peril. Given, &c.

All these warrants are grounded upon 5 Eliz.

To the Constables of D. in the County of G.

Whereas upon Information given to us, that *I S.* of your parish of Dale, a person of able body, not having any visible means whereby to maintain her self but her labour, did refuse to go to service, and did live by work at her own hands. We did thereupon order her to put her self in service before Michaelmas last; the which she hath not done, in contempt of authority. These are therefore to require you to take her the said *I S.* and to convey her to Bridewel in Glouc. and there to remain, until she be from thence delivered by order of Law. Given, &c.

2 *Glouc. ff.*

To punish for disobedience to the last warrant.

Observations on this warrant.

It seems to me a safer way in this case, to bind her to the good Behaviour for this contempt, for there is no way of conviction of this contempt. Given, &c.

There are divers offences in servants, Apprentices, and Labourers, and some in Masters, punishable by the Law of 5 Eliz. But because the Law is doubtful in the sense of it, in relation to these things, it seems to speak that they are only punishable at a sessions of the peace: therefore we give you no

no Presidents of warrants for a Justice of peace but of sessions In all differences between Master and Servants we think it best for the Justice to warn the parties only to be before him, and see if he can end the matter between them after this manner. Chap. 13

To the Constables of D. in the County of G.

I S. of, &c. Having made his complaint to me that he being hired by *I D.* of your parish; also he hath turned him away within his time, and refuseth to pay him his wages for the time he hath served him. These are therefore to require you, to warn the said *I D.* to be before me (such a day) to answer the premises, and to warn the said *I S.* to be then there also to make good his complaint, &c. 3 *Glouc. ff.* Against Master for wages.

To the Constables of D. in the County of G.

I D. having complained to me that *I L.* being his hired servant for one year to be ended at Michaelmas next, hath wilfully departed out of his service within the time, contrary to the Laws in that case provided. These are (as in the other) changing the things to be changed. 4 *Glouc. ff.* Against a servant that departeth being an Apprentice.

To the &c. as in the last.

W S. &c. Complaint being made to me by *I S.* an Apprentice, against *I D.* his Master, both of your parish of Dale in this County, That the said *I D.* doth not allow to his said servant competent meat, drink and apparrel, or doth immoderately 5 *Glouc. ff.* Against a master that doth abuse his servant apprentice

Chap. 13 rately correct him, and without any cause at all, (or refuseth to receive, and to keep him) as the case is. These are to require you to warn both the same parties to be before me at W. (such a day) to the end that I may then examine the same matter, and end it, if I can, &c. Given under my hand, &c.

To the, &c. as in the last.

6 Glouc. ff. Against a servant.

W S. &c. Complaint being made to me by I D. a Master, against I S. his Apprentice, both of your parish of Dale in this County, that the said I S. is a disobedient and stubborn servant, and doth very much miscarry himself towards his Master, or that the said I S. hath departed out of his service. These are to require you, &c (as in the last) Given, &c.

7 Glouc. ff. Discharg of an apprentice.

W S I H. L M. N O. four of the Justices, &c. Complaint having been made to us by I S. an Apprentice, against I K. his Master, both of your parish of Dale within this County, That the said I K. his Master hath not allowed to his said servant competent diet, and apparrel befitting such Apprentice, and hath sometimes corrected him without any just cause at all, and when he had cause, corrected him above measure, and we having called the same parties before us, and examined the Complaint, find it to be true. And therefore we do think fit to discharge the said Apprentice of his Apprenticeship. And therefore do by these presents under our hands and Seals, pronounce and declare that we have for the causes aforesaid, discharged the said I S. the Apprentice of his Apprenticehood, the first day of May, 1654.

All these are grounded on statute 5. Eliz. 4.

CHAP.

CHAP. XIV.

About Tythes

WS. &c. To the Conſtable of D. Whereas complaint hath been made to us by IH. Miniſter of your pariſh of Dale, (or by IH. Tenant of the impropriate Rectory of your pariſh of Dale.) That the perſons undernamed, do refuſe to pay him, and with-hold from him ſuch Tithes and dues as of right belong unto him, contrary to the Laws in that caſe provided. Theſe are to require you forthwith to warn the ſaid perſons, and every of them, that either they do forthwith ſatisfie him for the ſame, or elſe that they appear before us at, &c. upon, &c. to anſwer the premiſes. And all the ſaid perſons are hereby required and ſummoned to appear before us, the time and place aforeſaid. And hereof, &c. *Glouc. ff.* 1 warrant of ſumons All theſe are grounded upon the Ord. of 8 Novemb. 1644.

WS. and IS. &c. To the Conſtable of, &c. Whereas, (as in the laſt, unto Theſe are) and we have once ſummoned the ſaid perſons to appear before us, and the ſaid IH. hath made default, and not appeared before us. Theſe are therefore to require you the ſecond time to warn, &c. (as in the laſt.) And hereof, &c. *Glouc. ff.* 2 Warrant.

WS. and &c. To, &c. And whereas (as in the laſt.) And we have twice ſummoned the ſaid perſons, &c. and the ſaid IS. hath made dafault and not appeared before us, the which hath been proved by oath before us. Theſe are therefore to require you the third time to warn, &c. (as in the laſt.) With this additions or otherwiſe we ſhall *Glouc. ff.* 3. Warrant

Cha. 14. proceed to hear and determine the ſame matter in your abſence. And hereof, &c.

Glouc. ſſ. W S. and I S. &c. Whereas upon complaint to
Judgement. us made by I H. Miniſter of D. that the perſons undernamed do refuſe to pay, and with-hold from him his Tithes, and dues of right belonging to him. We have called the ſame perſons before us, and heard the parties and their proofs on both ſides, and do now under our hands and ſeales hereby order and adjudg, that all the ſaid perſons ſhall pay to the ſaid I H. the ſums of money, for damages and coſts at their names appearing reſpectively, whereof they are to take notice at their peril. Given under our hands and ſeals, &c.

Glouc. ſſ. Whereas, &c. Whereas (as in the laſt) to theſe words, (Their proofs on both ſides) and we have ordered and adjudged the ſame matters, and ordered I S. of, &c. to pay to the ſaid I H. twenty ſhillings, &c. and ſo ſet down all the reſt. And complaint hath been made to us, that the ſaid parties, albeit they have had notice of the ſame judgement and order more then thirty dayes ſince, yet have not paid the ſame money. Theſe are therefore to authorize and command you the ſaid I H. to levy the ſame ſums of mony by diſtreſs, and ſale of the goods of every of the ſaid parties reſpectively, rendring to every one of them the overplus of their goods ſo ſold. And theſe ſhall be your warrant therefore. Given, &c. our hands and ſeals, &c.

We make no warrant nor order for commitment in caſe of lack of diſtreſſe, for there is no way ſet down how the Juſtice may examine the want of diſtreſſe, and therefore we judge it not ſafe to make any ſuch warrant.

CHAP.

CHAP. XV.

About Swearing.

W. S. &c. To the Conſtable of Dale in the County of Glouc. It being duly proved before me that I S. of your pariſh of D. husbandman, did within three moneths now laſt paſt in D. aforeſaid, profanely ſwear one oath; or profanely curſe. Or it may be thus: I S. of your pariſh of Dale husbandman, being lawfully convict before me for the profane ſwearing of one oath, contrary to the ſtatute in that caſe provided, whereby he hath forfeited to the uſe of the poor of your pariſh three ſhillings 4 d. to be levied of his goods by the Conſtables there. And for lack of diſtreſſe he is to be ſet in the ſtocks three hours. Theſe are therefore to authorize and to require you forthwith to levy the ſame of his goods and chattels (if he have any) by diſtreſſe and ſale thereof, rendring to him the overplus, and in caſe no ſufficient diſtreſſe can be there found, and he be above twelve years, and do not give ſecurity for the payment of the ſame three ſhillings 4 d. according to the ſtatute, that then you ſet the ſaid I S. in the ſtocks for the ſpace of three hours. And the money ſo by you received, that you do forthwith pay over to the Overſeers of the poor of your pariſh, according to the ſaid Act of Parliament. And hereof, &c.

1 *Glouc.* ſs. For ſwearing or curſing. Either is ſufficient. Grounded upon act 22. June, 1650.

If it be a Gentleman, Eſquire, or Knight that

Cha. 15. doth ſwear, the warrant muſt call him ſo: as it being proved, &c. that I S. Knight, &c. and then the ſummons muſt be accordingly as the Act doth appoint. And if it be the ſecond, third, fourth, fifth, ſixth, ſeventh, eighth, or ninth offence, the warrant muſt ſay ſo, thus, I *S.* &c. being duly convicted before, for the profane ſwearing of one oath the third time, by which third offence he hath forfeited, &c.

Glouc. ſſ. Againſt a child or ſervant for ſwearing. Grounded upon the ſame act.

W S. &c. To the Conſtable, &c. It being duly proved before me, that I S. of your pariſh, being under the age of twelve years, hath within three moneths, &c. (as in the laſt,) for which, except he forthwith do pay three ſhillings 4 d. to the uſe of the poor of your pariſh, he is to be whipped. Theſe are therefore to require you forthwith to demand of him the ſame three ſhillings 4 d. and in caſe he do not pay it to you upon demand, that then in caſe his father (if he be a child,) or his Maſter (if he be a ſervant) do not forthwith whip him in your preſence, that then you your ſelf do whip him, or cauſe him to be whipped, according to the Act of Parliament in that caſe provided. And hereof, &c.

Glouc. ſſ. To bring a ſwearer before a Juſtice. Grounded on the ſame

W *S.* To the Conſtables of Dale, and to I S. & W K. and every of them. It being proved before me, that I D. &c. (as in the firſt warrant.) Theſe are to require you to apprehend the body of the ſaid I D and him to bring before me to the end he may be proceeded againſt for the ſame, as to Juſtice ſhall appertain. And hereof, &c.

Obſervations upon this warrant.

This ſeemeth to be the ſharpeſt way of puniſhment,

ment. And this being warrantable, we adviſe and perſwade all Juſtices of the peace hereunto, to ſend by this warrant for the offender before him, and then charge him with the offence, and give him good counſel, &c. and whether he confeſſe or not, being convicted before, the Juſtice may give the next warrant to levy the forfeiture. Cha. 15.

A ſhort Preſident to be made in haſt to levy the forfeiture.

To the Conſtable of Dale, &c.

Theſe are to require you to levy of the goods of IS of Dale aforeſaid, Labourer, by diſtreſs and ſale thereof, giving back the overplus to him, the ſum of 3 ſhillings 4 d. by him forfeited for ſwearing one profane oath within three moneths laſt paſt. And in caſe no diſtreſſe can be found, then &c. (as in the other.) And by this you may make all other warrants ſhorter. *Glouc. ſſ.*

CHAP. XVI.

About Rates.

1 *Glouc. ff.* To have contribution for a ſum charged upon a hundred for a Robbery.

This is upon 27. Eliz. cha. 13.

W. S. and I S. two of the Juſtices, &c. To the high Conſtable of the hundred of W. in the County of G. and to all the petit Conſtables and Tithingmen of the ſeveral pariſhes and tithings within the ſaid hundred. Whereas one I S. was of late robbed of an hundred pound, within the ſaid hundred of W. and hath thereupon ſued the ſame hundred of W. and hath a judgement to recover an hundred pound againſt it, the which hath been levied of, and charged upon I S. and L S. two of the inhabitants of D. within the ſaid hundred. And upon their complaint to us hereof, we have according to the Act of Parliament in that caſe provided, for the raiſing of the ſame money, ſet a rate upon the pariſhes, and places within the ſaid hundred, which rate is hereunto ſubſcribed and annexed. Theſe are therefore to require you the ſaid high Conſtable, to give notice thereof to the petit Conſtables, and Tithingmen of your hundred. And thereupon all the ſaid petit Conſtables and Tithingmen are required forthwith equally to diſtribute and ſet the ſame rate upon the inhabitants of their pariſhes and tithings reſpectively, according to the rule of rating for their poor. And the ſame being rated, that they do demand it, and in caſe of non

nonpayment, levy it by diſtreſſe and ſale of goods upon every of the inhabitants, not paying it reſpectively. And having levyed and received the ſame, that they do forthwith bring and pay it in to us, or one of us, to the end that the ſame may be payed over to the ſaid I S. and L S. And that you do within fourteen daies next following, give to one of us an account of your execution of this warrant at your peril. Given, &c. Chap. 16

The rate above mentioned in this warrant, to be annexed thereunto.

Then let the rate be affixed, and ſee that it be handſomely done, with an apt title above it, after this manner.

A Rate made by I S. and W S. Eſquires, two of the Juſtices of the Peace, &c. for the raiſing of an hundred pound, upon the hundred of W. charged upon it, and levyed upon I S. and L S. two of the inhabitants upon a judgment had, by one I S. againſt the hundred, after a robbery.

The pariſh of Dale.

I S. ſix d.

I L. ſix d.

W S Eſquire, &c. one of &c. To the Conſtable of D. in the County of G. A rate being made by you the Conſtable and Churchwardens of your pariſh of Dale, and two of the inhabitants there, the which rate is annexed and ſubſcribed for the raiſing of money of your pariſh, for the carrying of certain offendors within the pariſh to Gaole, that had not ability in goods or chattels to defray their own charge, and the which you the ſaid Conſtable

2 *Glouc. ff.* To carry a Priſoner to Gaole.

This is upon 3 Jac. chap. 10.

Chap. 16 ſtable have laid out of your own purſe. And this rate having been duly allowed by a Juſtice of peace under his hand, according to the ſtatute in that caſe provided; Theſe are to require and authorize you the ſaid Conſtable to demand the ſame, and in caſe of not payment, to levy it by diſtreſſe and ſale of goods, the ſame goods having been firſt apprifed by four of the pariſhioners, upon every of the perſons not paying the ſame upon demand. And the ſame money when you have received you may keep, and retain to ſatisfie your ſelf for your diſburſment aforeſaid. And theſe ſhall be your warrant for the ſame. Given, &c.

A rate made by the Conſtables, Churchwardens, and two of the inhabitants of Dale, &c.

And by theſe, other Rates (if need be) for quarter ſeſſions, Pavements, Bridges, and other things may be made.

As for the Rating for Poor, Churches, Highways, and in the Plague time, ſee it in thoſe Titles and other places.

CHAP.

Chap. XVII.

About the charge of carrying a priſoner to Gaole.

W. *S.* Eſquire, &c. To the Conſtable of the parish of Dale in the County of Glouc. I *S.* a malefactor, being of late by me ſent through your hands, to the common Gaole of this County, in the convey of whom thereunto (as you have informed me) you have been neceſſarily inforced to lay out in charges and expences upon him, and thoſe that guarded him thither, the ſumme of twenty ſhillings, for which ye have not as yet received ſatisfaction, albeit the ſaid I S. hath an ability of goods and chattels to make you ſatisfaction. Theſe are therefore to authorize and require you, forthwith to take and ſell ſuch and ſo much of the goods of the ſaid *I S.* within your pariſh, or elſewhere in this County, as ſhall ſatisfie and pay you the ſame money by you laid out; but that you do before you ſell the ſame, cauſe the ſame to be apprized by four of the inhabitants of the pariſh where the goods are. And that you keep ſo much of the money as to ſatisfie your ſelf, and deliver to the ſaid I *S.* all the overplus of the money made by ſale of the ſame goods. And hereof &c. Given under my hand and ſeal, &c.

Glouc. ſſ. For the ſale of his own goods. Upon 3 Jac. 10.

Or it may be directed to the high Conſtable of the hundred, thus.

Having received information that I *S.* of D. being late

Cha. 18. late sent from a Justice of peace, by the hand of L M. a Constable of D. within your hundred to the common Gaole of this County, and that in the Convey of him thither the same Constable was forced to lay out in expences upon the prisoner and those that did attend and guard him, twenty shillings; which the said I S. did refuse to pay at that time, and doth still refuse to pay the said Constable, albeit he hath an ability of goods and chattels to do it. These are therefore to authorize and require you forthwith to take and sell such and so much of the goods of the said I S. within your hundred as shall satisfie and pay the same Constable the charges so by him laid out. But that yo do [as in the last.] (with this.) And the same twenty shillings so by you made of the sale of the same goods, that you pay it over to the said LM. And this shall be your warrant. Given under my hand and seal at S. in the same County, &c.

Chap. XVIII.

About Rogues.

To the high Constable of the hundred of W. in the County of Glouc and to all the petit Constables within the same hundred.

1 Glouc. §. For a general serich.

VV. S. and L S. Esquires. Two of, &c. These are to require you the said high Constable and petit Constables, that you, (taking sufficient assistance with you) do make a general privy search within all the Towns, Parishes, and Hamlets within your hundreds, upon Monday night the first day of

of May next, at night, for the finding out, and apprehending of all Rogues, Vagabonds, and wandring, and idle perſons, in, or about your ſaid Towns, Pariſhes, and Hamlets. And ſuch as you ſhall find in the ſame ſearch, that you do apprehend and bring, or cauſe to be brought before us the next day, being the ſecond day of May, to the houſe of &c. in D. to be by us dealt withal according to the ſtatute in that behalf provided. At which time and place, you are all of you further required to appear before us, and then and there to give an account upon oath in writing, and under the hands of the Miniſter of every ſeveral pariſh within your hundred, what Rogues, Vagabonds, wandring and diſordered perſons have been there apprehended, as well in the ſame ſearch, as alſo ſince the laſt meeting of the Juſtices of peace, made for this purpoſe, being upon, or about the tenth of October laſt. And hereof, &c. Cha. 18.

W S. &c. To the Conſtables of Dale in the County of Glouc. Foraſmuch as one I S. a wandring idle and miſorderly perſon, was taken begging in Dale in this County, and brought before me. Theſe are to require you forthwith him to correct, and by a paſſe to convey, according to the ſtatute in that caſe provided. Given under my hand and ſeal &c. 2 *Glouc. ſſ.* Grounded upon 39. Eliz. 4.

W S. and K L. &c. To the Conſtable of Dale in the County of Glouc. It being duly proved before us, that I S. the Miniſter of your pariſh of Dale, doth not keep a Regiſter-book there according to the law in that caſe provided, to record the correction and paſſe of Rogues, by which he hath forfeited five ſhillings to the uſe of the poor, or the Bridewells of the County, at our election. 3 *Glouc. ſſ.* Grounded upon 39. Eliz. 4.

Theſe

Chap. 18 These are therefore to require you, to levy the ſame five ſhillings of the goods of the ſaid I *S.* by diſtreſs and ſale thereof, and to pay over the ſame money (ſo by you levyed) to the Overſeers of the poor of your pariſh, to be imployed to the uſe of the poor of your pariſh. And hereof &c. Given under our hands and ſeals, &c.

To the high Conſtables of the hundred of W. in the County of Glouc.

4 *Glouc. ſſ.* W S and K L. &c. It being duly proved before us againſt I *S.* the Conſtable of Dale, that he hath been negligent in his office, in the apprehending and puniſhing of rogues, and that upon the firſt day of May now laſt paſt, he being the Conſtable there, did willingly ſuffer an unknown wandring rogue, to paſs through his Town; and albeit he had timely notice given to him of him, and he might eaſily have apprehended him, yet he did not apprehend, correct, and paſſe him, as by the Law he ought to have done, whereby he hath forfeited ten ſhillings to the uſe of the poor of the ſaid pariſh, or to the uſe of the Bridewel of the County, at our election. Theſe are therefore to require you to levy the ſame ten ſhillings of the goods of the ſaid I S. by diſtreſſe and ſale thereof, and to pay over the ſame money ſo by you levied, to the Overſeers of the Poor of the ſaid pariſh of Dale, to be imployed to the uſe of the poor there. And hereof, &c. Given under our hands and ſeals, &c.

This is grounded upon 1 Jac. 7.

To the high Conſtable of the hundred of W. in the County of G.

W S. &c. It being duly proved before us againſt I S. the Conſtable of Dale, that he hath been negligent in his Office, in the correction and convey of rogues, and vagrants, and that upon the firſt day of May laſt paſt, one I S. a vagrant idle perſon, being taken begging in Dale aforeſaid, and brought and offered to him to be puniſhed, he did not correct and paſſe him, as by Law he ought to have done, but did willingly ſuffer him to eſcape unpuniſhed, whereby he hath forfeited, &c. (as in the laſt) to the uſe (as in the laſt to the end.) Given under our hands and ſeals. 5 *Glouc. ſſ.* ſo is this.

To the high Conſtable, &c. (as in the laſt.)

W S. &c. It being duly proved before us againſt I S. Conſtable of Dale, that he hath been negligent in his office, in the correction and puniſhment of rogues and vagrants. And that the firſt day of May now laſt paſt, he ſent one W K. a rogue to be conveyed to the place of his birth, by a general and illegal paſſe, or that one I K. a rogue being paſſed according to the Law, and tendred to him, he did willingly refuſe to receive him, and did ſuffer him to eſcape, or ſhift him away, or did not paſſe him to the next pariſh, according to the ſtatute in that caſe provided, by which he hath forfeited five pound to the uſe of, &c. (as in the laſt.) Theſe are (as in the laſt,) and to bind him to the good Behaviour. Given under our hands and ſeals, &c. 6 *Glouc. ſſ.* Either of theſe are ſufficient. This is grounded on 39 Eliz. 4

The

Cha. 18. 5 *Glouc. ff.* The like may be made againſt the Churchwardens and Overſeers of the poor, for refuſing to take one duly ſent unto them; Thus: That whereas one I W. a poor perſon was by a ſeſſions order ſent to be ſetled in your Town, and received there by the Churchwardens and Overſeers of the poor there. I S. &c. being then Overſeers, and tendred to them accordingly, they wilfully refuſed.

To the Conſtables of Dale in the County of G.

6 *Glouc. ff.* It being duly proved before us that I S. of your pariſh, the firſt day of may now laſt paſt, did entertain an unknown perſon, a vagrant begging perſon at his doors, and did not bring him to the Conſtable of the pariſh, as he ought to have done, but gave him an alms, by which he hath forfeit ten ſhillings to the uſe of &c. (as in the laſt.) Given under our hands and ſeals.

Upon 1 Jac. 7.

To the Conſtables of Dale, in the, &c.

7 *Glouc. ff.* It being duly proved before us againſt I S. of your pariſh, that one K L. a vagrant rogue, being apprehended, corrected, and duly ſent to your pariſh, and delivered to the ſaid F B. the Conſtable of the ſaid pariſh, the ſaid I S. did reſcue and ſhift him out of the Conſtables hands, whereby he eſcaped, by which the ſaid I S. hath forfeited &c. (as in the laſt) Given under our hands and ſeals.

Upon 1 Jac. 7.

To

To the Conſtables of Dale.

It being proved before us againſt I S. of your pa- 8 *Glouc. ſſ.*
riſh, and M. his wife, that they being able to work, do threaten to run away out of the pariſh, and leave their family to the pariſh. Theſe are therefore to require you, that unleſſe they ſhall forthwith put in ſufficient ſureties for the diſcharge of your pariſh, that you do forthwith apprehend the ſaid I S. and M. his wife, and them to carry to the common Bridewel of the County in G. there to be dealt with, and detained, as ſturdy and wandring rogues, until they ſhal be diſcharged by order of law, &c. Given under our hands and ſeals.

All theſe eight warrants (but the fifth) muſt be made by two of the Juſtices of the peace, and one of the Quorum, and under their hands and ſeals.

W S. &c. To the Conſtables of Dale, I S. of 9 *Glouc. ſſ.*
your pariſh, having left his family on the pariſh, and being run away from them, and being by you brought before me for an incorrigible rogue; Theſe are to require you, to keep him ſafe, till by order of two Juſtices of the peace he ſhall be delivered. I am not ſatisfied in the ſafe granting of this warrant, becauſe there is no way of conviction of the offence, ſet down in the ſtatute on which it is grounded. But for an incorrigible rogue taken and brought before a Juſtice of peace, by a Conſtable, in this caſe I take it warrantable; Thus: Upon 7 Jac. 4.

W S. and T S. &c. To the Conſtable of Dale. 10 *Glouc. ſſ.*

Foraſ-

Cha. 18. Forasmuch as I S. of your parish, being brought by you before me for an incorrigible rogue, was by me committed to you, to be secured till by order of 2. Justices of peace you were delivered of him. These are now to require you, him to convey to the common Bridewel, and there to deliver him to &c. there to remain till the next Q. sessions, and till he shall be delivered by order of Law. Given under our hands and seals.

Observations upon these warrants.

In case where any are brought as rogues, or incorrigible rogues, to a Justice of Peace by an Officer, as such as will not work, or run from their families, or have a bastard child, like to charge the parish, or the like: in these cases it seems the Justices may send them to Bridewel, or to Gaole, as the law is. There be no wayes of conviction set down by these statutes, for the Constable doth first apprehend, and he must see that he have good cause to do it. But I should choose rather to put them to find sureties for their good Behaviour, and send them to Gaole upon this account.

11 *Glou. ss.* It having been duly proved before me, that I *S.* late of, &c. being an idle wandring person, hath counterfeited a false Testimonial under the name of W *S.* supposing him to be a *S*ouldier, landed at Dover, and that he was allowed to travail to the place of his birth, &c. Whereas in truth he never was a souldier, neither did he land at Dover, nor was he allowed to travail, &c. These are, &c. to bind him to the good Behaviour: or perhaps two Justices may make a warrant, to send him to Bridewell,

well, but one Juſtice may bind him to the good Behaviour. Cha. 19

CHAP. XIX.

About the Plague.

To the Churchwardens and Overſeers of the poor of the pariſh of M. N. O. within this County.

VV. S. and I S. two of the Juſtices, &c. Information being given to us, that the pariſh of Dale within this County is infected with the plague, and that it hath need of relief from the adjacent places five miles about it, according to the ſtatute in that caſe provided. The which, becauſe we intend to provide for them, we command you and every of you to be before us upon the firſt day of May next, at the houſe of, &c. with your Church books of rates for the poor, to the end that we may then make an equal weekly rate & aſſeſſement for the purpoſe aforeſaid. And hereof, &c. 1 *Glouc. ſſ.* On the ſame

A weekly Rate made the firſt day of May, 1654. by W S. and I S. Eſquires, two of &c. with the aſſiſtance of the Overſeers of the poor of the pariſhes within five miles compaſſe of the pariſh of Dale, at this time infected with the plague, for the relief thereof during the time of the infection, to be payed by the inhabitants of the ſame pariſhes week-

Chap. 19

ly, according to the Act of Parliament in that case provided.

The Inhabitants of the parish of S. to pay weekly as followeth.

I S. 6 d.
W S. 3 d.
T S. 2 d.
N O. 3 d.
L M. 2 d.
K N. 2 d.

To the Inhabitants of the parish of M. to pay weekly, as followeth.

S T. 6 d. &c.

To the Churchwardens and Overseers of the poor of the parish of Dale.

2 *Glouc. ss.* W S. and I *S.* &c. There being a Rate made which is for your Parish, the Rate subscribed to this warrant, for the relief of the inhabitants of the parish of Dale, at the present infected with the plague, according to the Act of Parliament in that case provided. These are to authorize and require you forthwith to levy and collect the same of the
On the same persons therein named respectively, by distresse and sale of their goods, rendring to them the overplus. And the same money so by you received, that you pay over to the Overseers of the poor of the said parish of Dale, and give in the same upon your account at the end of your year. Given under our hands and seals, &c.

To

To the Conſtables, Churchwardens and Overſeers of the Poor of Dale, in the County of G.

Whereas we are credibly informed, that the plague is in the houſe of I *S.* of your pariſh, whereof one died. And whereas alſo we are informed, that divers of the inhabitants of your pariſh have reſorted to the ſaid houſe, both before and after the ſaid partie was dead, and eſpecially two children in the houſe of I P. by reaſon whereof it is feared that they are ſick, and ſo by reaſon thereof, the ſickneſſe is like to increaſe, and ſpread further in the Town, unleſſe there be ſpeedy proviſion made for the preventing thereof. Theſe are to require you the ſaid Conſtables forthwith to cauſe the ſaid houſe ſo infected to be ſhut up, and that you appoint one or more warders at the door to keep them from coming forth, and others from coming at them. And if any ſhall wilfully diſobey your orders and directions herein, attempting to reſiſt their keepers, and go abroad, that then you and the ſaid wardſmen force them to keep their houſes. And if any wilfully go abroad, having the plague ſore upon them, that you and they apprehend them for, and deale with them as with felons. And if they have no ſore, that then you bring them before ſome Juſtice of peace, to be dealt with as vagabonds, and to be bound with ſureties to the good Behaviour. And that you the Churchwardens and Overſeers of the poor be careful, that the parties ſhut up be ſufficiently provided for, for their preſent relief and ſuſtentation. And further that you cauſe the ſaid

Cha. 19. IS and his family to keep themſelves within their own doors, and that in the mean time, he forbear to victual, or to let any come into his houſe, till he hath further order. And of your care, diligence and proceeding herein, that you do from time to time give us account, that we may give further direction herein. And we are further to adviſe the pariſhioners, that they be very careful not to mingle themſelves amongſt them that have been in the ſame infected houſe. And of this our advertiſement that you give them ſpeedy notice, &c.

Oath of Searchers.

4. Grounded upon 1 Jac. 31.

4. You ſhall ſwear that you ſhall carefully ſearch, enquire, and examine all ſuch perſons as ſhall die within this pariſh of M. And you ſhall truly publiſh and declare, whether any ſuch perſon do die of the plague, by any ſigne that ſhall appear thereof, without any conniving in any manner whatſoever, to the uttermoſt of your skill and ability, or of what other diſeaſe they ſhall die. So help you God.

Oath of the Bearer.

5. You ſhall well and truly ſerve in the place of a Bearer at the viſited houſes where you ſhall be imployed and appointed; you ſhall not purloin, or carry away any goods forth of the ſaid houſes, or either of them. And you ſhall take care not to come into any company, but continually to remain in the place aſſigned to you, but at ſuch times, as you are imployed in your ſaid office, as a Bearer,

Bearer; and in every other thing that belongs to that place you ſhall (as you ſhall be directed by the Officers) well and faithfully behave your ſelf. So help, &c. Cha. 19.

Oath of the Examiner.

6. You ſhall well and truly execute the Office for examiners of health within the pariſh of Dale; you ſhall truly enquire and labour to know, from time to time, what houſes within the ſaid pariſh be viſited with ſickneſs, and who therein are ſick, and of what diſeaſes they are ſick, and upon doubt, command reſtraint of acceſs, until it ſhall appear what the diſeaſe is. And if you find any perſon ſick of the plague, you ſhall give preſent order to the Conſtable, forthwith to ſhut up the houſe wherein he is. And if you find the Conſtable careleſs herein, you ſhall forthwith acquaint ſome Juſtice of peace therewith. And you ſhall ſee that the viſited perſons be weekly provided for, and in every other thing ſhall do as belongs to your office. So help you God. 6

Chap. XX.

About making of Constables.

A warrant for the making of a new Constable.

To our loving friend, A B. of Dale, Yeomon.

THese are to require you, to make your repair to us, or to some other Justice of the peace of this County, to take the oath of a Constable, to serve within your Town of Dale, you being chosen, and ordred by the Leet of your Town, to undertake the same office.

Or thus.

Whereas A B. of your Town, the new Constable thereof, is by reason of his age and impotency very unable, and insufficient to execute the said place. These are to require you, whose names are underwritten, to be before me at my house at W. to morrow by eight a clock in the morning, that I may make choice of one of you to be sworn to undertake the same Office. And hereof, &c.

Observations upon this Warrant

We do not approve the making of Constables by one Justice of peace, but in case of necessity only. When a Constable dies, and it is long to the quarter sessions, or Leet, at which Courts these officers are regularly to be made. The Tithingman and Constable is now become all one officer in most places, and it were well they were so sworn, called

called all of them Conſtables, or elſe Conſtables and Tithingmen both. Chap. 21

CHAP. XXI.

About Highwayes and Bridges.

FOr the form of the preſentment of a Juſtice of peace of a high way in decay upon his own view. It differs not from a preſentment of a Jury, or endictment, but only in the Title. I *S.*&c. One of the Juſtices doth preſent upon his own view, That,&c. But this the Clark of the peace is to draw up for the Iuſtice.

We give you no preſident for the repair of Bridges by four Juſtices of peace, or for the repair of *Chepſtow*-Bridge, for we ſuppoſe no Juſtices will care to do this out of the Quarter ſeſſions, from which Court it is beſt to get theſe things done.

The wages appointid and ſet by the Juſtices, to be allowed to men that work at the High-wayes, for themſelves, ſervants and plowes, for this year, 1654 according to the new Ordinance; as followeth.

To the labouring man for himſelf the dayes work, from 8 in the morning to 3 in the after noon. } 6 d.

To the Plow-man for his plow with 4. oxen, or 3. horſes, and 2. men the ſame time. } 2 s. 6 d.

And ſo after this rate for the reſt.

WS. IS.

To the Surveyors of the High-wayes within the parish of Dale.

Glouc. ss. This is grounded upon the new ordinance of the Lord Protector and his Counsel.

It appearing to me, that the persons undernamed being by you assessed and rated towards the repair of your high-wayes, the several sums at their names appearing. There being imposed upon the persons undernamed in and by the said Court of the sessions of the County of Glouc. the several sums at their names appearing, for fines, penalties, and forfeitures for not repairing the High-wayes, or not doing their work about the high-wayes, the which are to be levyed by the same surveyors, or one of them, by warrant from one Justice of peace, and to be imployed to the repair of the high-wayes, as by the late Ordinance of Parliament is appointed. These are to require you the same surveyors, and every of you, to demand the same money of the said persons, and in case of non payment, to levy the same sums of mony by distress and sale of goods of every one of the said persons respectively. And for lack of such distresse, or in case the money be not paid within ten dayes after demand thereof, made and left at the same persons house, under the hand of the said surveyors, or one of them, to commit the same person or persons to prison to the common Gaole of the County, there to remain without Bayle or mainprise, till he have paid double what he shall be in arrear, together with the charges incurred to the prosecutor by such default. And all the same moneys that shall be so by you received, that you do imploy, and bestow about the repair of the same high-

high-wayes, according to the ſame Ordinance of Parliament. And hereof, &c. Cha. 22.

We give no warrant to force the ſurveyors to account and pay the money in their hands, or commit them, becauſe there is no way out of ſeſſions to convict the ſurveyor of the arrear in his hand, or his refuſal to account. And therefore the warrant not warrantable.

CHAP. XXII.

About Warrants to bind over.

To the Conſtables of D. in the County of G.

VV. *S* &c. Complaint be made, and Information being given to us againſt I S. of your pariſh of Dale, that I F. of the ſame pariſh, being a poor child, and his parents unable to maintain him, was by the Churchwardens and Overſeers of the poor there, and by allowance of the Juſtices of the peace duly and legally placed with, and bound to the ſaid I S according to the Laws in that caſe provided, and the ſaid I S. ordered and appointed by the Juſtices to entertain him: but that he (albeit he hath had notice thereof) doth wilfully refuſe ſo to do, in contempt of authority. Theſe are to require you forthwith to warn him, to be before us, &c. at &c. the firſt day, &c. to anſwer the premiſes, and to be then there your ſelf with this warrant. Given under our hands, &c.

1 *Glouc. ſſ.* A warrant to bring a man in to be bound over. Maſter and Apprentices

If

If he comes not, then make this warrant.

To the Conſtable of D. in the County of G.

2 *Glouc. ſſ.* W *S.* &c. Wheres complaint hath been made to us, &c. Recite the effect of the firſt part of the former warrant, And then ſay, And the ſaid *I S.* having been duly ſummoned before to come before us, to anſwer the premiſes, hath made default herein. Theſe are therefore to require you, to apprehend the ſaid I S. and him to bring before me, or ſome other Juſtice of peace of this County, to put in ſureties for his appearance, at the next general ſeſſions of the peace, to be held for this County, to anſwer the premiſes, and in caſe he refuſe ſo to do, that then you him convey to the common Gaole, &c. as in other warrants of the peace.

To the Conſtables of D. in the County of G.

Complaint having been made to me againſt I *S.* of your Town, Gent. that he in Auguſt laſt paſt, did hunt with his ſpaniels in the grownd of *I* M. where corn did then grow, at the time when the ſame corn was eared or codded, and ſtanding, and without the conſent of the ſaid I *S.* then owner of the ſame ground, contrary to the ſtatute in that caſe, &c. By which he hath forfeit forty ſhillings to the ſaid I M. the owner of the ſame ground. Theſe are to require you (as in the firſt.)

So

So for the next, if he come not, recite this. These are to require you to take, &c. and bring to put in ſureties to appear, and to anſwer the offence, and to pay the penalties, or receive the puniſhment by the Act appointed. And hereof, &c. Chap. 23

So the like may be made againſt a Maſter that miſcarryes himſelf towards his Apprentice, and will not obey the Juſtices order. And ſo againſt them that refuſe to repair Churches upon the Juſtices order, or that have Church-lands, and will not account for the profits; changing that that is to be changed.

CHAP. XXIII.

Warrants for other things.

VV. *S.* and I S. &c. To the Conſtables of Dale in the County of G. and every of them. These are to require and authorize you, and either of you, that upon ſight hereof, or that upon Monday next by eight of the clock in the fore-noon you apprehend, and bring before me to my houſe in *Sale*, I *S.* of your Town Butcher, to anſwer to ſuch matters of misdemeanor, as on the behalf of the Lord Protector, ſhall be objected againſt him. And not to fail. Given, &c. at Sale in the ſaid County, &c. 1 *Glouc. ſſ.* For Miſdemeanor.

Ano-

Another.

That you attach the bodies of all and every the perſons hereunder named, &c. Or thus: That you apprehend and bring before me, or ſome other of the Juſtices of the peace of this County, the body of I S. of, &c. of whom C D. the bearer hereof will give you particular notice, to anſwer to ſuch matters as on the part of the ſaid C D. ſhall be objected againſt him. And hereof, &c.

Obſervations upon this warrant.

This warrant is very common, but not much approved by learned men, nor is it diſcretion in a Juſtice to grant, but in caſe of ſome great crime, which the Juſtice is not willing to name in his warrant. But if it be for the Peace or good Behaviour, or any ordinary matter, it is very harſh, not to give the party notice of it, that he may provide himſelf with ſureties, &c.

2 *Glouc. ff.* For robbing Orchards, &c.

Either of theſe things are enough.

W S. Eſquire, &c. To the Conſtable of D. in the County of G. and to I *S.* of D. aforeſaid, laborer; and I B. of *Dale* aforeſaid, Butcher. It being duly proved before me, that I S. of your Town, labourer, hath within three moneths laſt paſt, cut, and carried away the corn, and hay of I K. of your pariſh, or robbed his Orchard of apples, or cut his hedges, pales, or fences; or digged and pulled up his fruit-trees, or cut and ſpoyled his trees, and ſtanding wood in Dale aforeſaid, to the value of ten ſhillings; and that I B. of your ſaid Town, Butcher, hath procured and abetted him ſo to do, and received from him, and bought of him divers of the

ſame

ſame things, to the great damage of the ſaid I K. contrary to the Act of Parliament in that caſe provided. I do therefore hereby require and order that the ſaid I S. ſhall within eight daies after notice to him given of this order, pay to the ſaid I K. ten ſhillings, and that the ſaid I B. do within three dayes after notice to him given of this order, pay to the ſaid I K. twenty ſhillings, in recompence to him, for his wrongs aforeſaid. And that theſe payments be made in the preſence of the ſaid Conſtable, hereby commanded upon requeſt to ſee it done. And hereof you are forthwith to give them notice, and if either of them ſhall not pay the ſame, that then you give me notice thereof, to the end that they may be whipped, according to the ſtatute in that caſe provided. And hereof, &c. Dated at D &c. Cha. 23

This is grounded upon 43. Eliz. chap. 4

We think it not ſafe to give a warrant to the Conſtable for non payment to whip: for how ſhall the Conſtable take conuſance it of, or the offender be convicted of it? But rather let the Juſtice give his warrant at firſt, to whip him after this manner.

W S. &c. (as in the laſt) to thoſe words [in that caſe provided] Wherefore the premiſes conſidered, and that I judge the ſaid offenders, *I* S. and I B. unable to make ſatisfaction for the ſaid wrong, I do hereby order that they be forthwith committed to you the ſaid Conſtable of Dale, to be whipped, the which you are hereby required forthwith to do at your peril. Given at L. in the ſaid County, under, &c. *Glouc.* ff.

The officer is here to be puniſhed by imprisonment for his neglect, if he do it not. But how he

Cha. 23 he ſhall be convicted of the offence out of a ſeſſions, and by Indictment we know not any way, and therefore offer no Preſidents of warrant for this.

To the Conſtables and Churchwardens of Dale in the County of G. and every of them.

4 *Glouc. ſſ.* For ſetting up May-poles. This is upon Ord. 6. April. 1644.

It being duly proved before me, that there hath been a May-pole erected within your pariſh of D. within three moneths laſt paſt, and that the ſame, albeit it hath continued there five weeks and more ſince it was erected, yet is not taken down and removed by you the ſaid Conſtables and Church-wardens, according to the Law in that caſe provided; by which you have forfeited to the uſe of the poor of your pariſh twenty five ſhillings, the which is to be levyed by diſtreſſe and ſale of your goods, and for lack of diſtreſſe you are to be ſet publickely in the ſtocks, for the ſpace of three hours. Theſe are therefore to require you, to ſee that the ſame money be forthwith levyed, and imployed accordingly. And that if there be no diſtreſſe there to be found, that you ſee that each of them, the one by the other, be ſet in the ſtocks accordingly. Given under my hand and ſeal, &c.

5 *Glouc. ſſ.* W S. &c. To the Conſtables of D. in the County of G. It being duly proved before me, by the information of S T. of L. in the ſaid County, that I S of your Town, Labourer, did within three moneths laſt paſt, at Dale aforeſaid, volun-

voluntarily and knowingly give unto L M. of G. &c. only an Eſquire by his degree, a Title of honour conferred by the late King ſince the fourth of January, 1641. calling the ſaid L M. by the ſuperſcription of a letter of the ſaid I S. directed to the ſaid L M. L M. Knight and Baronet, contrary to the Law in that caſe provided, by which he hath forfeit ten ſhillings, the one half to the poor of your pariſh, and the other half to the ſaid S T. Informer. Theſe are therefore to authorize and require you to demand the ſame ten ſhillings of the ſaid *I S.* and in caſe he refuſe to pay you, that you levy the ſame by diſtreſſe and ſale of his goods, rendring to him the overplus. And the money ſo by you received, that you do pay over the one half thereof to the ſaid S T. and the other half to the Overſeers of the poor of your pariſh of D. And this ſhall be your warrant. Given, &c. Cha. 23

For giving undue Titles of honour.

Grounded upon the Act 4. Feb. 1651.

W S. Eſquire, &c. To the Churchwardens and Overſeers of the poor, within the pariſh of D. in the County of G. and to every of them. I S. of your pariſh of D. being lawfully convicted before me, for ſelling by unlawful weights, or unlawful meaſures, and that he the firſt day of May laſt, at Dale aforeſaid, ſold a pound of Currants, by a pound weight; or for ſelling a yard of Holland by a yard, not being according to the ſtandard of the Exchequer, contrary to the Act of Parliament in that caſe provided, whereby he hath forfeit to the uſe of the poor of your pariſh five ſhillings, to be levyed by the Churchwardens and Overſeers of the poor. Theſe are therefore to give you notice hereof, and that you and every of you are by your of- *6 Gloue. ſſ.*

For unlawful weights and meaſures.

Either of them will ſerve.

Grounded upon 16 Car. 19.

The Churchward. and Overſeers are to do it without Warrant.

Cha. 23. office forthwith to levy the ſame five ſhillings of the goods of the ſaid I S. by diſtreſſe and ſale thereof, rendring to him the overplus. And in caſe you do receive the ſame money, that you do imploy it to the uſe of your poor, and give account thereof in the end of your year accordingly. And hereof, &c.

Another.

W S. &c. To, &c. I S. &c. Being lawfully convicted before me, that he (ſuch a time and place) did keep in his houſe or ſhop a pound weight whereby he did uſually buy and ſell; or for keeping a yard-meaſure, whereby he did uſually buy and ſell; the ſame not being according to the ſtandard of the Exchequer, &c.

Either of them is ſufficient.

We know no other warrant touching this matter to be made by the Juſtices of the peace out of their ſeſſions of the peace.

7. For diſcharge of priſoners.

7. The two Acts for diſcharging of poor priſoners, unable to ſatisfie their Creditors. We give you no Preſidents upon them, becauſe we conceive the work is paſt, and there is little or nothing to do upon them, for they did reach only for ſuch priſoners as were in priſon before, or upon the 20th. of December, 1649. and none others after that time.

8. For Adultery.

8. We give no Preſidents in caſe of Adultery, for we know none to be given in it. For where it is felonie there the warrants are as in other felonies. And for Fornication, Bawdrie and ſuch like crimes, nothing

thing is to be done in it, that we know but what in other caſes of the good Behaviour, the offence once appearing by information, Preſentment, or Indictment. And this may be in any caſe where the Crimes be ſo high. Cha. 24.

9. If any man deſire to put the Laws in execution againſt any man, for ſhooting in a Gun, he may ſee the form of the warrant and courſe of proceeding in *Dalton's* Juſt. of Peace Chap. 126. For ſhooting in guns.

CHAP. XXIV.

Of Recogniſances, and Bail and Mainpriſe.

A Recogniſance is a bond of record, teſtifying that the Recogniſor doth owe a certain ſum of money to the Lord Protector, with condition that the Recogniſor ſhall do ſome other thing, for the which he is bound in that ſum in the nature of a penalty. Wherein theſe things are to be known. 1 Recogniſance, what it is.

1. Juſtices of the Peace do take Recogniſances for the peace, good Behaviour, to bind men to appear at the Aſſizes, at the ſeſſions, and for many other cauſes. And for this any one Juſtice may do it. But to Bayl a priſoner for felony, take a Recogniſance of an Ale-houſ-keeper, and do ſome other things, there muſt be two Juſtices to do it, and one alone cannot do it.

2. What summe the parties shall be bound in, or what sureties the Recognisor shall have to be bound with him, it is left to the discretion of the Justice or Justices, that doth take the Recognisance, in cases where the Law doth not set down the certainty, as in some cases it doth; and there they must not vary from what is prescribed in the persons bound, sum, or manner of the Recognisance. But for the peace and good Behaviour, appearance at the Assizes and sessions, to give evidence, and the like, the Justice may bind with what sureties, and in what sums he pleaseth.

3. It is said that Justices of peace cannot bind over an offender against a penal Law, within their Conusance, (not within the Commission of the peace, nor committed to the power of any Justice of peace,) except it be in a special case where the Law it self doth enable them to do it.

4. All such Recognisances must be made to the Lord Protector himself, and to none other, and in his own name.

5. The Justice of peace need not affix his seal to the Recognisance, but he must put his name to it, and then it is good enough.

Baylment, what it is.

Of Bayle and Mainprise.

Baylment or mainprise (which is one kind of Recognisance) is the saving or delivering of a man out of prison, before that he hath satisfied the Law, by taking surety of him that he shall appear and do it. Wherein these things are to be known.

1. The

1. The Juſtice of peace muſt not bail one that is not baylable by Law. And on the other ſide, he muſt bayl him that is baylable by Law, or he may be puniſhed. Cha. 24.

2. In caſe of felony, there muſt be two Juſtices of peace, and they two together preſent with the felon to bayl him.

3. The ſureties and the ſumme are in his diſcretion; but if it be in caſe of felony, he muſt ſee he take good ſureties for the priſoners appearance, and bind him in a good ſumme to do it, or he may be fined for his neglect herein. If any Law appoint what the ſureties, and what the ſum ſhall be that the party bayled muſt give, that muſt be purſued.

4. If the Juſtices ſhall at any time judge the ſureties inſufficient, they may compel the party bayled to put him in better ſureties, or commit him to Gaole for lack of Bayl.

5. It is ſaid, That if the ſureties doubt the priſoner, that he will run away and not appear, that they may take him and carry him to the Juſtice, and deſire to be diſcharged, and that the Juſtice muſt diſcharge them, and that the principal is then to be committed till he put in new ſureties.

The Forms of Recogniſances.

3 *Glouc. ff.* *Md.* That the firſt day of May, 1654. I S. of D. in the County of G. yeoman, came before me W S Eſquire, one of the Juſtices of the peace of the County of G. at K in the ſame County, and acknowledged himſelf by way of Recogniſance, to owe unto the Lord Protector and his ſucceſſors, twenty pounds of lawful Engliſh money, to be levied of his lands and tenements, goods and chattels, to the uſe of the ſaid Lord Protector, and his ſucceſſors, if he fail in the Condition indorſed.

If there be more then one to be bound, then it is thus: *Md.* That the firſt day of May, 1654. I S of &c. C D of &c. and E F of &c. all three of them came before me, and acknowledged themſelves ſeverally to owe the Lord Protector and his ſucceſſors ten pounds a piece, to be levyed, &c. if I S fail in the Condition indorſed.

Another of the ſame.

4 *Glouc. ff.* *Md.* That I S of &c. G D of &c. and E F of &c. the firſt day of May, &c. came before us W S and L S two of the Juſtices of the peace within the County of G. And the ſaid I S did aſſume for himſelf in the ſum of twenty pound of lawful money of England to the Lord Protector. And the ſaid C D and E F became bound for the ſaid I S either of them in the ſumme of ten pounds a peice, of like lawful money, to the ſaid Lord Protector, to be levied of their lands and tenements, goods and

and chattels, by way of Recogniſance under the condition following, *viz.* Chap. 24

Another of the ſame.

Md. (As in the former) which ſeveral ſums of money, every of them hath acknowledged to owe to the Lord Protector and his ſucceſſors, if the ſaid I *S* ſhall make default in the condition following, *viz.* 5 *Glouc. ſſ.*

Another of the ſame.

Md. That the firſt day of May, &c. at Dale in this County, I *S* of &c. C D of &c. and E F of &c. came before us W *S* &c. two of the Iuſtices &c. and did undertake for L M of &c. each of them under pain of twenty pound a peece of lawful Engliſh money. And the ſaid L M did then and there aſſume for himſelf in pain of forty pound, of like lawful money, and all of them to the Lord Protector and his ſucceſſors, to be levied of their lands and tenements, goods and chattels, by way of Recogniſance, to the uſe of the Lord Protector, if the ſaid L M ſhall fail in the condition hereafter following, *viz.* 6 *Glouc. ſſ.*

If the party to be bound be within age, or a woman married, then he, or ſhe muſt be bound by others after this manner (as in the laſt, leaving out the laſt clauſe.) And the ſaid L M &c. And by theſe all other Recogniſances may be made, for they are after one form, and the difference is in the Conditions, which do now follow.

It is beſt to make them in parchment; and

Cha. 24 yet being in paper, they are good enough in Law.

If the Condition be on the back of the parchment, or paper, wherein the Recognisance is, as it must be to the two first Presidents aboveſaid, that conclude (if he fail in the Condition aforeſaid.) Then it muſt be thus:

To prefer a Bill of enditement.

The Condition of the Recognisance within written, is ſuch, that if the within bounden I S. ſhall at the next general Gaole delivery to be holden in the County of Glouceſt. prefer, or cauſe to be preferred one Bill of enditment againſt one A B. late of C. in the ſaid County of Glouceſt. Labourer, now a priſoner in the Caſtle of Glouc. for the felonious taking of twenty ſheep, of the goods of the ſaid I S. (or for the felonious killing of T S.) And ſhall alſo then and there give the beſt evidence he can concerning the ſame, aſwell to the grand Jury, that ſhall then make enquiry of the felonie, as alſo to them that ſhall paſſe upon the Triall of the ſaid A B. and not depart without licenſe of the Court; That then the ſame Recognisance ſhall be void.

Or thus: The Condition, &c. That if the ſaid I S. ſhall perſonally appear at the next general Gaole delivery to be holden for the County of Glouc. before the Lords the Juſtices of Aſſize and Gaole delivery, and ſhall then and there prefer, &c. (as in the laſt.)

2 To give in evidence.

The Condition of the Recognisance within written, is, that if the within bounden I S. do and ſhall perſonally appear at the next general Gaole deli-

delivery to be holden in the County of G. before the Judges there, or at the general Sessions of the Peace to be held for the County of G. (as the case is) before the Justices of the Peace there, and then and there pursue and give the best evidence he can against one A B. late of C. in the said County, Labourer, now a prisoner in the Castle for the felonious taking away of a mare of the goods of the said I S. and not depart without license of the Court; That then, &c. Cha. 24.

Or thus: That if the within bounden I S. shall personally appear before the Justices of the Peace of the County of Glouc. at the next Quarter sessions in the County aforesaid, to be holden then and there, to inform the Court, against one A B. of &c. now a prisoner in the Castle, and not depart without license of the Court. That then, &c.

The Condition of this Recognisance is such, that if the within bounden I S. shall make his personal appearance before the Justices of the peace of the County of Glouc. at the next general sessions of peace to be holden for the same County, then and there to make answer to the Lord Protector, for and concerning the suspicion of stealing certain corn; That then, &c. 9 To appear to answer a felony upon a bayl.

Another of the same, and to keep the peace.

10. The condition &c. That if the within bounden I S. shall personally appear before the Justices of the Gaole delivery, to be holden in the said County of Glouc. at the next Assizes, and Gaole delivery there, (or before the Justices of the peace of the County of Glouc. at the next general sessions of the Peace, to be held in the same County) to do and receive that which by the Court shall be then and there enjoyned him, and shall not depart thence without leave of the Court. And that in the mean time he be of good Behaviour, and do keep the peace of the Lord Protector toward his Highnesse and all his people, &c. That then, &c.

Another to the same purpose.

11. The Condition &c. That whereas the within bounden I S. hath now lately dangerously hurt one L M. of &c. so as the said L M is thereby in danger of death. If therefore the said I S shall make his personal appearance before the Justices of the Gaole delivery, at the next general Gaole delivery, to be holden in the County of Glouceſt. then and there to make answer to the premises, and to do, and receive that which then by the same Court shall be enjoyned him. That then, &c.

Ano-

Another.

12. The Condition, &c. That if the within bounden I S. ſhall perſonally appear &c. then and there to make anſwer to ſuch matters, as on the behalf of the Lord Protector, ſhall be objected againſt him by I D. of &c. concerning &c. [then ſhew the matter briefly, and conclude as in the reſt before.] That then &c.

So in the Condition for the peace, good Behaviour, they may be made after the ſame manner, by changing only that which is to be changed.

But if the Condition be annexed to the Recogniſance, as it muſt be to the latter ſort of Recogniſances above named, that conclude thus: Under the Condition following, *viz.* then muſt they run in this manner.

13. That the ſaid *I S* ſhall perſonally appear, at the next general ſeſſions of the Peace, to be holden for the ſaid County, and in the mean time that he ſhall keep the peace towards the ſaid Lord Protector, and all other the people of this Commonwealth of *England*, and chiefly towards L M. For the Peace.

14. That the ſaid I *S* ſhall perſonally &c. (as in the laſt.) and in the mean time that he ſhall be of good Behaviour towards the Lord Protector, and all, &c. (as in the laſt.) For the good Behaviour.

Where

Where divers Recogniſances are to be taken at once, ſome have uſed to put them all in one Roll of parchment together, after this form.

15 Glouc. ſſ. For Ale-houſe-keepers.

15. *Md.* that at Dale in the County of Glouc. the firſt day of May, &c. I S. victualler of, &c. came before me W S. Eſquire, &c. and did acknowledge that he did owe to the Lord Protector, and his ſucceſſors, by way of recogniſance, twenty pound of lawful, &c. And G H. of, &c. and I K. of, &c. did then alſo acknowledge to owe to the ſaid Lord Protector, tenne pound a peece of lawful Engliſh money, by way of Recogniſance; to be levied of each of their, &c. under this condition following, *viz.* That the ſaid I S. being licenſed to keep an Ale-houſe in the Town of Dale for one year now next following, ſhall not during the ſaid term, ſuffer within his ſaid houſe any play at unlawful games, but ſhall there uſe and maintain good order and rule.

And then write under this.

16. G H. of I, &c. did then and there acknowledg to owe to the ſaid Lord Protector, ten puund, and N O. of, &c. and P Q. of, &c. did then and there acknowledg to owe to the ſaid Lord Protector, five pound a peece, in maner as aforeſaid, and under the condition aforeſaid. And ſo for the reſt.

Ob-

Observations upon this warrant.

I cannot warrant the latter end of these Recognisances to be good, but am rather inclined to believe, they are all of them but the first, naught. And therefore do advise the Justices of the peace, and their Clarks, to make them at length, and to decline this form.

Another form for the Peace, or good Behaviour.

17. *Memorand.* that A B. of C. &c. D E. of F. &c. G H. of I. &c. (such a time and place) came before me W S. Esquire, &c. and became maincaptors, and undertook for T O of &c. That he should keep the Peace (or be of good Behaviour) towards the Lord Protector and all his people, and especially towards I D. every of the maincaptors, under pain of ten pounds a peace, and T O. under pain of twenty pound, and that the said T O. shall appear before the Justices of the peace, &c.

CHAP.

Chap. XXV.

Of a Mittimus.

What it is. A Mittimus is an order of Commitment of the perſon of a man to priſon by a Juſtice of peace, to an inferiour officer, for the time the Law appointeth, for ſome offence by him done. And as touching this in general, you may obſerve theſe things.

1. In every Mittimus care muſt be had to ſet down theſe two things. Firſt the offence. Secondly, the true manner, and time of puniſhment.

2. That there is very little difference between a Mittimus, and a warrant of Commitment. This is to the Officer to take, and carry a man to priſon, and that to deliver him to the Gaoler, which doth imply a taking and carrying, both are to carry to Gaol: It may be eaſie therefore to change the form, and the one Preſident may ſerve for a light by which to make the other.

3. The Title and form of one of theſe hereafter ſet down, may ſerve to direct all the reſt.

4. By theſe forms hereafter ſet down, any other may be eaſily drawn with very little alteration.

5. If the Mittimus be for a felony, and the felon hath confeſſed it upon his examination, the Mittimus muſt ſay ſo, for then he is not baylable.

Di-

Divers Forms of Mittimus.

A Mittimus for Felony to the Gaole.

W S. and I S Eſquires, two of the Juſtices, &c. 1 *Glouc. ſſ.*
To the keeper of the Gaole within the Caſtle of Glouc. or his deputy there being, We ſend you herewithal the bodies of A B. and C D. charged before us with the felonious uſing, and practiſing of witchcraft upon the body of a child of K L. (or charged before us by T C. of K. in the County of G with robbing him on Friday laſt, and the taking of ten ſhillings from his perſon, which the ſaid A B. and C D. upon their examination confeſſed.) Or thus: who ſtand charged before me upon the ſuſpition of ſtealing ſix Oxen, being the goods of Sr. I E. Knight. Or thus: who is charged before me with the ſuſpition of a certain felonie, by him committed as it is ſaid; or otherwiſe as the caſe is. Commanding you to receive the ſame A B. and C D. into the ſaid Gaole, and them there ſafely to keep, until they ſhall be from thence delivered by due order and courſe of Law. Hereof fail you not at your peril. Given under our hands and ſeals at C. within the ſaid County, the day, &c.

A

A Mittimus for a disturber of a Minister in the Service of God.

1 *Glouc. ff.* W S. &c. To the Constable of S. I send you herewith I S. of, &c. whom you are to take into your custody, and safely to keep for six dayes, for that he hath maliciously disturbed W S. of K. a Minister, in doing the service of God. Or thus: For that he caused W S. of K. a Minister, to be malitiously disturbed in doing the service of God. Or thus: For that he hath rescued L M. out of the hands of S T. an officer, being by him apprehended for his malitious disturbance of W S. of K. a Minister, in doing the service of God.

W S. and L M. *&c.* To the keeper of the Gaole, &c. We send you herewith I S. of, &c. whom you are to take into your custody, and safely to keep in your said Gaole for three moneths, and till the next quarter sessions, for that it hath been proved before us by the oaths of two witnesses. Or thus (by his own confession) If the case be so: that he hath malitiously disturbed W S. of K Minister, in doing the service of God. And hereof, &c.

Observations upon this warrant.

It is good to be well advised upon this Commitment, fore some think the statute upon which it is grounded, is determined.

A

A Mittimus for the good Behaviour.

W S. &c. Whereas C D. hath been, for matter of misbehaviour proved before me, by me required to find ſureties for his good behaviour, which he hath refuſed to do. Theſe are to require you that preſently upon ſight hereof you receive him the ſaid C D. herewith ſent, into your cuſtody, and him to keep, and not deliver till he ſhall find ſufficient ſurety for his good behaviour, and appearance at the next general ſeſſions to be holden for the ſaid County. And hereof, &c. 3 *Glouc. ſſ.*

So for the Peace, Changing that which is to be changed, after this manner.

Whereas C D. hath been for good cauſe by me required to find ſureties for the peace, which he hath refuſed to do. Theſe are, &c. (as in the laſt) till he ſhall find ſureties for the keeping of the peace, and his appearance, &c. 4 *Glouc. ſſ.*

A Mittimus of the reputed father of a Baſtard-child.

W C. &c. I ſend you herewithal the body of I S. of B. in the ſaid County, Labourer, brought before me this day, and charged by F C. of the ſame Town, to have gotten her with childe: and for that the ſaid I S. refuſeth to put in ſecurity for his appearance at the next quarter ſeſſions, and to the end he may be forth coming, when as order ſhall be 5 *Glouc. ſſ.*

Cha. 25 be taken for the relief and diſcharging of the ſaid Town of G. and for the keeping of the ſaid childe, when it ſhall happen to be born, according to the ſtatute in that caſe provided. Theſe are to require that you do immediately receive the ſaid I S and him ſafely to keep in your Gaole, until ſuch time as he ſhall be from thence delivered by due courſe of Law. Dated, &c.

A Mittimus for ſelling Ale, contrary to Command.

6 *Glouc.* ſ. W C and C D &c. Whereas I *S* of &c. a common Ale-houſe-keeper, upon complaint lately made to us, of the evil rule kept and ſuffered by him in his houſe, was by warrant under both our hands and ſeals diſcharged of his Ale-houſe-keeping, and forbidden to ſell any more Ale, or Beer. And we are credibly informed, that the ſaid I S doth notwithſtanding obſtinately, and of his own authority keep a common Ale-houſe, and commonly ſell Ale and Beer. We do therefore herewith ſend you the body of the ſaid *I S* commanding you to receive him into your ſaid Gaole, and there ſafely to keep him for three daies without bayl or mainpriſe, and afterwards, until he ſhall with two ſureties enter into Recogniſance, that he ſhall not keep any common Ale-houſe, or uſe common ſelling of Ale, or Beer, and pay his fine of 20 ſhillings, according to the ſtatute in that caſe provided. And hereof, &c.

An Obſervation on this Mittimus.

It is good to adviſe well upon this commitment, whether upon a bare complaint, or information that a man doth ſell after he is diſcharged, he may be committed, and whether there muſt not be before this a legal Conviction of him for the crime.

A Mittimus of an Overſeer that refuſeth to account.

W S. and L M. Eſquires, two of the Juſtices, &c. To the keeper of the Gaole within the Caſtle of Glouceſt. We ſend you herewith I S. and W B. the late Overſeers of the poor of the pariſh of Dale, for that they being called before us, to give in a true account of the moneys by them received, and laid out in the time of execution of their ſaid Office, they did in our preſence wilfully refuſe ſo to do: we require you therefore them ſafely to keep without bail or mainpriſe, untill they ſhall make a true accompt thereof, and ſatisfie and pay to the preſent Churchwardens and Overſeers of the poor of the ſame pariſh, ſo much as ſhall thereby appear to be remaining in their hands. And hereof fail you not, &c. 7 Glouc. Fi

An Observation upon this Mittimus.

This Commitment seemeth to me warrantable, because the offence is in the presence of the Justices, and there need no conviction of it. But if he refuse to appear before the Justices, it may be doubtful.

A Mittimus of a dangerous Rogue to the Bridewell.

8 Glouc. ff. WS. and L M. &c. To the Master or Governor of the house of Correction, or his deputy there. Whereas I S. a sturdy vagrant Beggar was this day brought before the Constable of Dale, and charged as well with begging and idle wandring abroad, as also with other disorderly Behaviour, so as he appeareth to us, to be dangerous to the inferiour sort of people, contrary to the Laws of the Nation in that case provided. These are therefore to require you, to receive the said I S. into your custodie and him safely to keep in your house of Correction, until the next Quarter Sessions, to be holden for this County. And that during all the time he shall continue with you, and be in his good health, you do hold him to work, and punish him by putting fetters, and gyves upon him, and by moderate whipping of him. And that you give him no more for his maintenance,

nance, then what he ſhall deſerve or earn by his la- Cha. 25.
bour. And that you have the ſaid I S. and this pre-
cept at the ſaid next quarter ſeſſions.

A Mittimus of a vagrant or diſorderly Perſon.

W S &c. We have ſent you herewithall the 9 *Glouc. ſſ.*
body of E C of G. in this County, being an idle,
diſſolute and diſorderly perſon, and one that liveth
idlie, and wandreth begging about the Country,
and brought before us by the Conſtable of Dale,
whom you are hereby required to receive, and him
to keep in your Bridewell to work, until he ſhall
be from thence duly delivered by order and courſe
of Law: and in the mean time you are to keep him
to work, and ſee to it, that he have no more for his
maintenance, then what he can get by his work.
And hereof &c.

A Mittimus for one that runneth away, and leaveth her charge to the Town.

W S &c. We have ſent you herewithal the body 10 *Glou ſſ.*
of I L of W. in the ſaid County, ſingle woman,
being lately delivered of a child, and one that is
able to labour, and thereby to relieve her ſelf, and
her ſaid child, and hath notwithſtanding lately run
away, and left her child upon the pariſh, to the
charge of the ſame pariſh, contrary to the ſtatute in
that behalf provided. Theſe are therefore to re-

Cha. 25 quire you to receive her, &c. (as in the laſt.)

11 *Glou.ſſ.* WS. &c. We ſend you herewith the body of I S of &c. for that ſhe being a poor woman, able to work, and having a great charge of children, and like to charge th pariſh, ſhe doth threaten to runne away from her charge, and leave it to the pariſh. Theſe are therefore, &c. (as in the laſt.)

A Mittimus of the mother of a Baſtard child.

12 *Glou.ſſ.* WS. We ſend you herewithal the bodie of I C of W. in the ſaid County, ſingle woman, lately delivered of a Baſtard child, likely to be chargeable to the pariſh of W. aforeſaid; and for that the ſaid I C is able to labour, and that thereby ſhe may the better relieve herſelf, and her ſaid child; Theſe are to require you, to receive the ſaid I C in your Bridewel, there to be puniſhed and ſet on work, during the term of one whole year, according to the ſtatute in that behalf provided.

Obſervations upon theſe three laſt Preſidents.

Theſe three laſt Mittimus being grounded upon 7 Jac. 4. It is good to adviſe upon them; for the ſtatute

ſtatute doth not preſcribe any way of Conviction, unleſſe it come under the general words of 39. Eliz. 4. That theſe be taken for idle and diſorderly perſons, for that being proved before, by two witneſſes, before two Juſtices, one of them being of the Quorum; this is a Conviction of Law. Chap. 25

For a Mittimus for a Forcible Entry. See it in Chap. 6.

Chap. XXVI.

About a Superſedeas.

The Form of Superſedeas.

a Glou. ſſ. VV. S. To the Sheriff, Baylifes, Conſtables, and other the Officers and Miniſters of the Lord Protector, for the keeping of the Peace within the County of Glouceſt. and every of them. Foraſmuch as A B. of, &c. hath perſonally come before me at Dale in this County, and hath found ſufficient ſureties, that is, C D. of &c. and E T. of &c. either of which hath undertaken for the ſaid A B. under pain of ten pound a peice, and he the ſaid A B. hath undertaken for himſelf, under pain of twenty pound, that he the ſaid A B. ſhall well and truly keep the peace towards the Lord Protector and all his people, eſpecially towards G F. of &c. yeoman, and alſo that he ſhall perſonally appeare before the Juſtices of the peace of the ſaid County, at the next generall ſeſſions of the peace, to be held for the ſame County. Therefore *I* command you and every of you, that you utterly forbear, and ſurceaſe to attach, take, impriſon, or otherwiſe by any means for the ſaid cauſe, to moleſt the ſaid A B. And if you have for the ſaid cauſe, and none other taken or impriſoned him, that then you do cauſe him to be delivered, and ſet at liberty without further delay. Given at Dale aforeſaid, under my hand and ſeal, &c.

Ano-

Another for the ſame.

W S Eſquire &c. To the Sheriff of the County of Glouc. &c. and to all Conſtables &c. Foraſmuch as I S of &c. hath come before me, and found ſufficient ſuretie, that he ſhall keep the peace towards his Highneſſe the Lord Protector, and all his people, eſpecially towards I K of D. aforeſaid, and that he ſhall perſonally appear before the Juſtices of the peace of the ſaid County, at the next generall ſeſſions of the peace, to be holden for the ſaid County. Therefore I require and command you and every of you, that you do altogether forbear and ſurceaſe to attach, arreſt, or impriſon him the ſaid I.S. or otherwiſe to moleſt him by any meanes for the ſaid cauſe. And if you have upon any precept for the peace, and for that cauſe and none other already taken and impriſoned him, that then you do cauſe him to be delivered and ſet at liberty without further delay. And this ſhall be your warrant. Given, &c. 2 *Glouc. ff.* 2 For the Peace.

There may be a Superſedeas in caſe of felony, where the priſoner is bayled, thus: Becauſe A B of &c. hath come before us &c. and put in ſufficient bayl to be before &c. to anſwer the felony wherewith he is charged, &c. For a Felony.

Or thus:

W S &c. To &c. Foraſmuch &c. I do therefore require you, that from compelling and impriſoning the ſaid A and his wife, or either of them any ſecurity for the peace towards the Lord 3 *Glouc. ff.*

Cha. 26. Protector, and all the people of this Common-wealth, before you or any of you again to find, you do ſuperſede, or cauſe to be ſuperſeded. And if &c. That then you do immediately them out of ſuch priſon, in which they, or either of them are detained, deliver or cauſe to be delivered, &c.

Obſervations upon theſe warrants.

This laſt Superſedeas is good, though it name neither the ſureties, nor the ſums wherein they are bound; but it is held the better Form to expreſſe both.

4 *Glouc. ff.* Upon a Supplicavit againſt an Infant.

WS &c. To the Sheriff, &c. Know ye that I have received a Writ of the Lord Protectors, in theſe words: *Oliver, &c.* (reciting all the Writ word, for word.) Foraſmuch as C D of &c. and E F of, &c. and the ſaid A B (being the infant againſt whom the writ of *Supplicavit* was granted) have perſonally appeared before me the ſaid W S, and the ſaid C D and E F have undertaken for the ſaid A B, who is within the age of 21 years, (to wit) either of the ſaid manucaptors in twenty pound a peice, which each of them have acknowledged, to owe to the ſaid Lord Protector, by way of Recogniſance, to be levyed on their lands and tenements, goods and chattels, to the uſe of the ſaid Lord Protector, (to wit) that the ſaid A B no damage or ill ſhall do, or procure to be done to any of the people of this Common-wealth in their bodies, or burning of their houſes, and eſpecially to T R. Therefore I require you and every of you, to forbear, &c (as in the reſt.)

This

Cha. 26

This may alſo be to ſtay proceedings of arreſt, or impriſonment againſt a man upon good Behaviour, or upon a *Capias*, upon an Indictment for Treſpaſſe, or the like, thus.

W S To, &c. Foraſmuch as I S of &c. came before me this firſt day of, &c. at Dale, in this County, and hath found ſufficient manucaptors, to be at the next general ſeſſions of the peace, to be held in this County, before the Juſtices of the peace there, to anſwer to the Lord Protector, of certain treſpaſſes, contemps, and offences, whereof he is indicted. Therefore I command you, &c. (as in the reſt.) 5 *Glouc. ff.*

CHAP.

CHAP. XXVII.

Of a Liberate.

1 *Glouc. ff.* W.S. &c. To the keeper of the Gaole in the Caſtle of G. Foraſmuch as I S of &c. hath before us found ſufficient mainpriſe to appear before the Juſtices of the Gaole delivery, at the next general Gaole delivery to be holden in the ſaid County, there to anſwer the things that ſhall be objected againſt him, touching the felonious ſtealing of two ſheep, for the ſuſpition whereof he was committed to your Gaole. Theſe are to require you, in caſe he be there detained in priſon, for this and no other cauſe, that you forthwith deliver him and let him go at large. Given under our hands, &c.

2 *Glouc. ff.* W S &c. To the keeper &c. I S being by me committed to your cuſtody in your Gaole, till he put in ſureties for the peace or good Behaviour, (as the caſe is.) Theſe are (as in the laſt.)

Obſervations on this.

If one Juſtice of his own head commit a man to Gaole, or Bridewell, he may againe deliver him, and he need not ſhew the cauſe: or if it be for the Peace or good Behaviour, to tell the keeper that he hath taken ſureties: we think it ſafe for a keeper to have this from a Juſtice, alwayes when he delivers

vers his priſoner. By theſe other Liberates may be made. Cha. 28.

Of a Releaſe.

I have ſeen a Releaſe of the Peace by a Juſtice of Peace that took it, and Preſidents of Releaſes of the Peace and good Behaviour; But I underſtand not of what uſe they are, for the pariſh muſt appear: only the Releaſe of the Peace, &c. is an evidence that the proſecutor is not afraid of him, and therefore the Court will not probably continue him bound.

CHAP. XXVIII.

Of a Licenſe and Teſtimonial.

VV. *S.* and I *S.* Two of the Juſtices &c. Know all men by theſe preſents, that we do hereby Licenſe I M. of &c. to keep a Common Alehouſe in L. aforeſaid, in the houſe there where he now dwelleth, for one whole year next enſuing the date hereof, ſo that he do not during that time, ſuffer any unlawful games to be uſed, nor any evil rule, or diſorder to be done in the ſame houſe. Dated, &c. 2 *Glouc. ſſ.* To ſell Ale.

So to brew and ſell Beer, and keep a common Alehouſe, &c.

W *S.*

Cha. 28

2 To travail on the Lords day.

W S &c. To all &c. I S of &c. where he now liveth, having informed me that he had a father living at D. in the County of S. where he lieth now very sick, and he hath a desire to visit him. Now know ye, that for this cause I do hereby license him to travail upon the next Lords day, the direct way to him; willing and requiring you not to molest him for the same, so he behave himself orderly in his travail. Dated, &c.

3 *Glouc. ff.* Deser be him. To convey a Rogue.

I S a sturdy vagrant beggar of low personage, red haired, &c. and about twenty years, was this first day of May 1654 openly whipped at W. in the said County, according to the Law for a wandring Rogue, and is assigned to passe forthwith from parish to parish, by the Officers thereof, the next straight way to P. in the County of W. where (as he confesseth) he was born (or dwelled last for one whole year, if the case be so) and he is limited to be at P. aforesaid, within ten dayes now next ensuing at his peril. Given at W. under the hands and seals of W S Esquire one of, &c. and I D the Constable of W. aforesaid.

4 *Glouc ff.* For one that hath suffered shipwrack, &c. Soldier, &c.

W S &c. one &c. To all Constables, Tythingmen, &c. Forasmuch as I am credibly informed that I S the bearer hereof, of low personage, &c. hath been at sea, and there the first day of May last suffered ship-wrack, and hath not wherewith to relieve himself in his travail to his place of birth (or last dwelling.) These are to desire you to suffer him to passe the next way to the said place, where he is limited to be within forty dayes next after the date hereof, and not to trouble, but rather to relieve

lieve him. The like may be for a poor Souldier. Cha. 29.

WS and IS two of the Juſtices, &c. To 5 Glouc. ſſ.
all &c. The bearer hereof, IS of &c. having To travail.
[ſhew the cauſe of his travail] deſired our teſtimonial, or licenſe for his ſafe travail to the City of B. [ſhew whether he is to go] wherefore we (as much as is in us) do license him to travail the direct way from H. in the County of G. to the ſaid City, ſo as his journey be not continued longer then twenty dayes next after the date hereof, and pray you to ſuffer him to paſſe in peace, ſo as he demean himſelf orderly.

And by theſe a Teſtimonial may be made for other things, as for a Labourer in Harveſt-time, to go into another Country to work, or a ſervant departing at the end of his year.

CHAP. XXIX.

Of a Certificate.

IT may be done on the back of the Writ thus: I WS. &c one of the Juſtices of the Peace of the Lord Protector in the County of Glouceſt. The tenor of the ſecurity of the peace, of which there is mention in this Writ, (or whereof there is mention herein) to the ſaid Lord Protector into his Chancery under my ſeal diſtinctly and openly, do ſend, as appeareth in the Schedule to this Writ annexed. Then write the Recognizance

Of a Record, or a Cerciorare.

Cha. 25 niſance *Verbatim. Md.* that the firſt day of May, &c. came before me &c. in witneſſe whereof I the ſaid W S. have put to my ſeal. Dated &c. And let him ſet his ſeal, and then file all this to the back of the Cerciorare.

Write upon the back of the *Supplicavit* thus:

The execution of this Writ appeareth in the Schedule to the Writ annexed. And put his name to it.

3 A Binding by Supplicavit. Then the Schedule may be thus: and filed to the back of the Writ. I, W S. &c. certifie in the Chancery in to the Lord Protector, that I by vertue of this Writ (to me firſt delivered by A B in the Writ named) cauſed to come before me the firſt day of May, 1654. T R in the ſame Writ named, and have compelled him to find ſufficient ſecurity and manucaptors, according to the form of the ſaid Writ (as the Writ doth appoint.) In witneſſe whereof I have put my ſeal to this preſent Certificate. Dated at C aforeſaid, in the County aforeſaid the ſaid firſt day of May. And herewith the Juſtice may if he will ſend the Recogniſance, or he may keep it till it be ſent for by *Cerciorare.*

4 Of a marriage. I, W S Eſquire one of the Juſtices of the Peace of the County of Glouc. do certifie that this firſt of May, 1654. *I* S of D. in the County of G. and L M of *S.* in the ſaid County of G. were in the preſence of K L of &c. and *S* T the witneſſes, at *Tedbury* in the County of G. aforeſaid, duly married before me, according to the late Act of Parliament, witneſs my hand and ſeal the firſt day of May, 1654.

For

For Swearing.

I, W *S.* Eſquire, one of the Juſtices, &c. do cer- 5 For ſwea-
tifie to the Clark of the Peace for the County of ring.
Glouc. that the perſons whoſe names are hereunto ſubſcribed, were ſince the laſt quarter ſeſſions convicted before me for ſwearing one profane oath a peice. Given under my hand and ſeal, this, &c.

By theſe forms you may the better ſee how to make other Certificates.

The Certificate of a Riot. See Dalt. Juſt. of P. Cha. 130.

FINIS.